

**PROGRAM EVALUATION SYSTEM AT THE  
U.S. INSTITUTE FOR ENVIRONMENTAL  
CONFLICT RESOLUTION**

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## EXECUTIVE SUMMARY

### Overview

The U.S. Institute for Environmental Conflict Resolution (U.S. Institute) is a federal program established by Congress in 1998 specifically to assist parties in resolving environmental, natural resource, and public lands conflicts. The U.S. Institute is part of the Morris K. Udall Foundation, an independent federal agency of the executive branch, overseen by a board of trustees appointed by the President of the United States. The U.S. Institute serves as an impartial, non-partisan institution providing professional expertise, services, and resources to all parties involved in such disputes, regardless of who initiates or pays for assistance.

The U.S. Institute is firmly committed to carefully assessing outcomes and benefits of its projects and programs. This report describes the U.S. Institute's Program Evaluation System and how it is being developed to facilitate systematic evaluation and reporting on effectiveness of its environmental conflict resolution (ECR) programs and services.

Design work for the Program Evaluation System began in 1999 when the U.S. Institute and the Policy Consensus Initiative (PCI) began examining the feasibility of developing program evaluation guidance for state and federal agencies and programs that administer public policy and environmental conflict resolution programs. That project has now grown into a collaborative program evaluation initiative that currently involves the U.S. Institute, the Massachusetts Office of Dispute Resolution and the Oregon Dispute Resolution Commission, with support from PCI. The initiative has also received support from the Indiana Conflict Resolution Institute, Indiana University's School for Public and Environmental Affairs, Syracuse University's Maxwell School for Citizenship and Public Affairs, and the University of Arizona's Udall Center for Studies in Public Policy.

### Justification

Operating the Program Evaluation System at the U.S. Institute will help ensure compliance with Public Law 103-62, the Government Performance and Results Act (GPRA), by allowing individual project and program managers at the U.S. Institute, as well as its management team, to accurately assess and report on program and project achievements.

In addition, information gathered through the Program Evaluation System will provide other agencies, researchers and the public with much-needed information concerning effectiveness of both environmental conflict resolution (ECR) initiatives, and performance of the U.S. Institute's programs and services. Access to such information will be facilitated to the extent possible; however, the U.S. Institute is also committed to managing the collection and reporting of data in a manner that prevents interfering with any ongoing ECR processes or the subsequent implementation of agreements. Case-specific data will not be released until an appropriate time period has passed following conclusion of the case, and requests under the Freedom of Information Act will be evaluated on a case-by-case basis.

### OMB Clearance

An important element of the Program Evaluation System is collection of specific and detailed information from members of the public who are participants in, and users of, the U.S. Institute's programs and services. Before such information can be collected, the Paperwork Reduction Act (44

U.S.C. 3501 *et seq.*) requires that the U.S. Institute first obtain approval from the federal Office of Management and Budget (OMB). The initial step in that approval process is for the U.S. Institute to publish an announcement in the Federal Register publicizing its intentions to submit a proposed Information Collection Request (ICR) to OMB. That required notice was published in the Federal Register on Wednesday, December 26, 2001 (*Federal Register* Vol. 66(247): 66455-66461). Copies of the notice can be obtained directly from the Federal Register, or by contacting the U.S. Institute.

### **Five Program and Service Areas**

This report, and the accompanying ICR notice, concentrates attention on five of the Institute's current programs and services. Specifically, these are:

- 1) environmental conflict assessment services;
- 2) environmental conflict resolution processes;
- 3) operation of the National Roster of Environmental Dispute Resolution and Consensus Building Professionals;
- 4) environmental conflict resolution training courses and workshops; and
- 5) public meeting facilitation.

Evaluations will mainly involve administering questionnaires to parties and professionals engaged in U.S. Institute projects, as well as members and users of the National Roster. Responses by members of the public to the Institute's request for information (i.e., questionnaires) will be voluntary and anonymous.

### **Technical Details**

This report provides technical details concerning the design and operation of the U.S. Institute's Program Evaluation System. Readers will gain an understanding of how information will be gathered to address three key questions posed by the Government Performance and Results Act, paraphrased as: What is your program trying to achieve? How will its effectiveness be measured? How is it actually doing?

Program evaluation efforts necessarily require systematic articulation of expected outcomes and accomplishments, as well as a methodology for collecting the information that will reliably track program performance. Analyzing performance requires a cataloguing of program inputs and outputs, and rests on certain basic operating assumptions or program theory to connect the two. Consequently, the starting point for developing the U.S. Institute's Program Evaluation System was defining:

- what the U.S. Institute is mandated to accomplish or deliver;
- what the underlying operating premises are that support the services and programs being provided; and
- what factors or inputs the U.S. Institute has control over that influence the desired outcomes.

With the guidance of its program evaluation consultant, Andy Rowe, the U.S. Institute articulated expected service and program outcomes in the five areas listed above. Working with its full program staff, and in consultation with its partners in the collaborative program evaluation initiative, the U.S. Institute determined operating assumptions or program theory about the specific actions and conditions deemed necessary to achieve its desired outcomes. Specific measures were then developed to track these achievements through survey questions designed for the involved staff,

neutrals, and parties or participants. Survey instruments for five of these areas are introduced and discussed in Sections 3-7 of the report; full copies are provided in the Appendices.

**Summary**

In other words, the Program Evaluation System at the U.S. Institute is a long-term investment in testing implicit assumptions underlying ECR theory and, over time, should result in improving the performance of collaborative ECR approaches. In turn, this should lead to more durable and complete resolutions and allow policy makers to compare ECR with other available options, such as litigation and administrative adjudication. Ultimately, this will result in appropriate allocation of public and private resources to those processes that most efficiently resolve environmental conflicts in the public interest.

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Early theory discussions at the Tumamoc Hill meetings in the fall of 1999 were instrumental to the collaborative program evaluation initiative as was additional guidance provided by University of Arizona researchers Mette Brogden (Udall Center for Studies in Public Policy), Tamra Pierson D'Estree (Psychology), Bonnie Colby (Agriculture and Resource Economics), and Lee Sechrest (Department of Psychology). Lisa Bingham (Indiana University) and Rosemary O'Leary (Syracuse University), co-directors of the Indiana Conflict Resolution Center, were early supporters of the Initiative and brought their institutional resources to bear in sponsoring a conference on program evaluation in Washington DC Spring 2001 and preparing an edited volume on evaluation research.

This document was produced through the sustained efforts and support of the following U.S. Institute staff: David Bernard, Joan Calcagno, Jerry Carter, Kirk Emerson, Mike Eng, Larry Fisher, Dale Keyes, Sarah Palmer, Cherie Shanteau, Tina Urbina-Gargus, and Ellen Wheeler. Special thanks are due to Olivia Montes and Geri Duarte for document production. Andy Rowe of GHK International, the Institute's program evaluation consultant, provided assistance throughout the document drafting process.

Also appreciated are the anonymous contributions of those who, by completing the pretests, assisted us in refining the instruments and made it possible to accurately estimate the amount of time required to complete each questionnaire.

# 1. INTRODUCTION

## 1.1. Overview

The U.S. Institute for Environmental Conflict Resolution (U.S. Institute) is a federal program established by Congress in 1998 specifically to assist parties in resolving environmental, natural resource, and public lands conflicts. The U.S. Institute is part of the Morris K. Udall Foundation, an independent federal agency of the executive branch, overseen by a board of trustees appointed by the President of the United States. The U.S. Institute serves as an impartial, non-partisan institution providing professional expertise, services, and resources to all parties involved in such disputes, regardless of who initiates or pays for assistance.

Each year there are thousands of challenges and disputes that arise in the United States over the protection of environmental quality and the management of natural resources and public lands. They range in degree of challenge from those that are relatively straightforward conflicts, to those that are considerably complex to even understand - much less settle. Many of these disputes proceed to administrative appeals or directly to litigation. Over 900 lawsuits are filed in federal courts alone every year. Many are never resolved and remain intractable, bitter stalemates while the environmental issues go untended.

Increasingly, parties are turning to non-adversarial means of collaborative problem solving, assisted negotiations, and other forms of alternative dispute resolution (ADR) to address their conflicts. In its work throughout the nation, the U.S. Institute makes extensive use of ADR methods and procedures as part of an approach widely known as environmental conflict resolution (ECR).

One important, and often heard question is: "how well does ECR work?" Unfortunately, there are limited data available, beyond individual case studies that can begin to answer that question systematically. Even less common is information comparing different ECR approaches, and most rare is data on the cost-effectiveness of ECR. Not surprisingly, then, throughout the 1990's there was growing awareness of both the potential usefulness for applying ECR approaches to environmental conflicts, and a dawning recognition of the need to collect data and information concerning how well ECR "works", and what factors contribute to generating successful outcomes. In simple terms, an effective feedback loop is needed that can provide information concerning ECR effectiveness to practitioners, courts, legislators, policy makers, academics and other interested parties.

Meanwhile, Congress passed the Government Performance and Results Act (P.L. 103-62). This legislation creates legal obligations for agencies to define performance goals, create a performance plan, and track the extent to which they achieve desired outcomes. This legislation, therefore, provides an additional impetus for carefully evaluating benefits and impacts of dispute resolution initiatives.

Finally, basic "best practices" in ADR program management emphasize the importance of reflective practice and continuous program improvements based on accurate assessment of process and program outcomes.

For all three reasons, the U.S. Institute is firmly committed to carefully assessing outcomes and benefits of its projects and programs. The purpose of this report is to describe the U.S. Institute's

Program Evaluation System and how it is being developed to facilitate systematic evaluation and reporting on the effectiveness of its ECR programs and services.

## **1.2. Collaborative Program Evaluation Initiative**

In 1999, the U.S. Institute for Environmental Conflict Resolution (the U.S. Institute) and the Policy Consensus Initiative (PCI) began an inquiry into the feasibility of developing program evaluation guidance for state and federal agencies and programs that administer public policy and environmental conflict resolution programs. That inquiry has grown into a collaborative program evaluation initiative involving the U.S. Institute, the Massachusetts Office of Dispute Resolution (MODR) and the Oregon Dispute Resolution Commission (ODRC) with support from PCI. The project has also engaged the support of the Indiana Conflict Resolution Institute, Indiana University's School for Public and Environmental Affairs, Syracuse University's Maxwell School for Citizenship and Public Affairs, and the University of Arizona's Udall Center for Studies in Public Policy.

For the past year and a half, the U.S. Institute, MODR, and ODRC have been developing program evaluation systems in concert, side-by-side with the express intention of establishing consistency with the prevailing standards and practices in the field of public policy and environmental conflict resolution and assuring the credibility of their own evaluation systems. These programs have agreed to work toward evaluation systems that will be self-administered to the greatest extent possible and that will provide data to both inform program improvement and encourage reflective practice. Practically, these systems must also be cost-effective and must generate the reports on program performance expected by oversight bodies and legislative committees. Finally, to the extent that these systems can produce valuable information for other programs and the field at large, these programs intend to make that available. PCI and the U.S. Institute also hope that the collective accomplishments of these programs will lead to useful guidance and potential efficiencies for other federal and state programs.

Through this collaborative context, the U.S. Institute has developed an approach and design for its program evaluation system. For further information on the collaborative program evaluation initiative, contact Kirk Emerson at the U.S. Institute ([www.ecr.gov](http://www.ecr.gov)) or Christine Carlson at PCI ([www.policyconsensus.org](http://www.policyconsensus.org)).

## **1.3. ECR Programs and Services Provided by U.S. Institute**

The U.S. Institute promotes non-adversarial, agreement-seeking processes that range from large, multi-party consensus-building efforts to assisted negotiations and court-referred mediation. During its first three years of operation, the U.S. Institute was involved in over 100 environmental cases and projects across 30 different states, as well as the District of Columbia. Several projects are national, intergovernmental or multi-state in scope. The issues range broadly, including wildlife and wilderness management, recreational use of and access to public lands, endangered species protection, marine protected areas, watershed management, ecosystem restoration, wetlands protection, and urban infrastructure planning.

The Institute offers professional services through its Tucson-based staff, augmented by a national roster of qualified environmental facilitators and mediators. Three main areas of activities are offered by the U.S. Institute: 1) assistance with collaborative agreement-seeking processes through a range of ECR services, 2) referrals to qualified ECR practitioners on its national roster, and 3)

training, primarily for users and participants in ECR processes. Specific ECR services include case consultation, convening, conflict assessment, process design, facilitation, mediation, training, and dispute systems design.

The Program Evaluation System described in this report has been designed to cover all three areas of activities provided by the U.S. Institute.

## 2. U.S. INSTITUTE'S PROGRAM EVALUATION SYSTEM

### 2.1. General Approach

The Government Performance and Results Act (GPRA) requires that federal agencies account more accurately and systematically for their performance over time. Program evaluation is fundamentally an attempt to define, measure and improve program performance. To paraphrase GPRA, programs need to answer three questions: What is your program trying to achieve? How will its effectiveness be measured? How is it actually doing?

Program evaluation thus requires a systematic articulation of expected outcomes and accomplishments as well as a methodology for collecting the information that will reliably track program performance. Analyzing performance requires a cataloguing of program inputs and outputs, and rests on certain basic operating assumptions or program theory that connect the two.

The starting point for developing the U.S. Institute's Program Evaluation System was to define what it is mandated to accomplish or deliver; what the underlying operating premises are that support the services being provided; and what factors or inputs the U.S. Institute has control over that influence the desired outcomes?

With the guidance of its program evaluation consultant, Andy Rowe, the U.S. Institute articulated its expected service and program outcomes in five areas: conflict assessment, ECR projects, roster management, training, and meeting facilitation. Working with its full program staff and in consultation with its other partners in the collaborative program evaluation initiative, the U.S. Institute determined its operating assumptions or program theory about the specific actions and conditions deemed necessary to achieve its desired outcomes. Specific measures and performance standards were then developed to track these achievements through survey questions designed for the involved staff, neutrals, and parties or participants. Survey instruments for these areas are introduced and discussed in Sections 3-7 and provided in full in the appendices.

Perhaps one of the most important aspects of the Program Evaluation System design is the emphasis on creating instruments with diagnostic power. Even though ECR rests on a relatively stable foundation of alternative dispute resolution theory and practice, there are still many sources of uncertainty concerning how a particular configuration of key elements (i.e. practitioner, parties, process design) will perform in a specific case. For this reason, it is vital that the assessment process generate information that can be used to diagnose *why* a particular case may fail to achieve the desired outcomes. In other words, the Program Evaluation System at the U.S. Institute is a long-term investment in testing implicit assumptions underlying ECR theory and, over time, should result in improving the performance of collaborative ECR approaches. In turn, this should lead to more durable and complete resolutions and allow policy makers to compare ECR with other available options, such as litigation and administrative adjudication. Ultimately, this will result in appropriate allocation of public and private resources to those processes that most efficiently resolve environmental conflicts in the public interest.

#### 2.1.1. Program Theory

The operating premises or program theory behind the ECR work of the U.S. Institute has been articulated and scrutinized by both the internal staff at the Institute and the members of the collaborative initiative co-sponsored with PCI (as discussed above). They represent a distillation of

concepts familiar to most in the ECR and ADR fields, but not necessarily expressed in this manner elsewhere. Many variables are at play in successful conflict resolution processes, and not necessarily in a serial manner. What is most stimulating and challenging about ECR is its ad hoc nature requiring each process to be tailored by the parties and for the particular issues at stake. Nonetheless, it is possible to describe the complex interactions between “right” conditions, “best practices” and expected outcomes in a relatively straight forward fashion.

For example, with regard to the U.S. Institute’s program theory, a conflict or situation assessment is an essential ingredient to determining the appropriateness of applying an ECR process and the design of such a process. Expected outcomes of such an assessment are detailed in Section 3.

If a conflict assessment recommends an ECR process, then program theory regarding ECR processes indicates, as described in Section 4, that the following five building blocks are essential to achieving successful outcomes:

- The right parties must be engaged in the process, and continue to be engaged. In this setting, right refers to parties who must convene for any agreement or plan to be reached and implemented, and engaged refers to parties actively participating in the process.
- The right neutral(s) must be contracted to assist the parties in their collaborative process. “Right” here means they possess the skills and experience relevant to the process used, and sufficient substantive knowledge to understand the issues and the positions/ interests of the parties.
- The neutral must assist the parties to select a design for the collaborative process that reflects the complexity of the controversy, the number of parties, and the relative importance of the issues.
- The process should be affordable (i.e. the parties have sufficient money and time) and culturally acceptable. The parties must have the skills, knowledge, time, money, and priority to participate fully and effectively.
- A process must be in place to ensure that the best information (e.g., legal, technical) is available for use by all parties.

Program theory then holds that if these five building blocks are solidly in place, we should fully expect that:

- The adversarial parties will develop the required skills and embrace collaborative processes for resolving their controversy;
- The range of issues in dispute will narrow considerably;
- The parties should reach an agreement or plan/recommendations/proposals that are complete (i.e. no hard issues are left out) and durable (has the necessary flexibility to endure changing conditions and a realistic plan to implement the agreement as well as procedures to revisit the agreement;
- The parties should develop capacities to work together on this and other disputes in a collaborative way; and
- The parties should be satisfied not only that the process was open and fair, but also with the outcome of the process and their resulting relationships with other parties.

It is worth emphasizing that most of these outcomes are gains from using the process *even in situations where an agreement or plan is not reached*. This is important, since reaching an agreement, or developing a plan, is not always appropriate in all collaborative processes.

It is also important to note that although cost information will be collected for all cases and projects, the U.S. Institute will not be able to demonstrate the relative cost-effectiveness of ECR until several years of data have been collected. The survey questions do address parties' perception of relative cost-effectiveness, and actual project costs will be tracked. Defining and measuring cost effectiveness in relation to other available processes and over what period of time are methodological problems still being working on. It is hoped that the aggregate data collected through this program evaluation system will provide a reliable base for comparing with comparable costs of litigation or administrative tribunals, for example.

### **2.1.2. Outcomes and Definitions**

The following Sections 3-7 focus respectively on conflict assessment, ECR projects, roster management, training, and meeting facilitation. For each section, the program theory and the basic structure of expected outcomes are presented and defined as well as the specific approach to collecting the needed information for evaluation purposes.

One of the difficult challenges in developing any program evaluation system is clarifying what outcomes a program is directly accountable for. Ultimately, it is hoped that the aggregate impacts to which the U.S. Institute may have contributed will include a number of improvements in collaborative outcomes and the capacity for conflict resolution, effective environmental decision making, and advancements in the field of ECR. It will be important to track some of these larger impacts, as provided for in the information collection system. Nonetheless, teasing out the extent to which the U.S. Institute can claim responsibility for such cumulative impacts is methodologically problematic. More important is clarifying specific, measurable outcomes for which the U.S. Institute should be held accountable, consistent with its mission and mandate and over which it has substantial control. This has been addressed in the program area outcome charts, where dashed lines appear to demarcate where the U.S. Institute's primary responsibilities lie from impacts shared by multiple agents and entities.

### **2.1.3. Instruments**

The survey instruments are provided in Appendices A through E. They have all been pre-tested with neutrals, parties and program managers using a face-to-face methodology that provided the opportunity for the respondent to ask questions and add suggestions, and for the evaluation consultant to use verbal and visual clues to identify problems with the instrument. Wherever possible, information for each outcome is gathered from more than one source. Information gathering procedures will be integrated into the U.S. Institute program management system.

## **2.2 Confidentiality**

To encourage candor and responsiveness on the part of those completing the questionnaires, the U.S. Institute intends to report information obtained from questionnaires only in the aggregate. The U.S. Institute intends to withhold the names of respondents and individuals named in responses. Such information regarding individuals is exempt from disclosure under the Freedom of Information Act (FOIA), pursuant to exemption (b)(6) (5 U.S.C. Section 552(b)(6)), as the public interest in disclosure of that information would not outweigh the privacy interests of the individuals.

Therefore, respondents will be afforded anonymity. Furthermore, no substantive case-specific information that might be confidential under statute, court order or rules, or agreement of the parties will be sought.

The U.S. Institute is committed to providing agencies, researchers and the public with information on the effectiveness of environmental conflict resolution (ECR) and the performance of the U.S. Institute's programs and services. Access to such useful information will be facilitated to the extent possible. The U.S. Institute is also committed, however, to managing the collection and reporting of data so as not to interfere with any ongoing ECR processes or the subsequent implementation of agreements. Case specific data will not be released until an appropriate time period has passed following conclusion of the case; such time period to be determined. FOIA requests will be evaluated on a case-by-case basis.

### **2.3 OMB Clearance**

Approval from the Office of Management and Budget (OMB) is required prior to administering the questionnaires to non-federal parties and neutrals. Only internal documentation by project managers can proceed until OMB approval is obtained. However, this is not a significant problem for the evaluation since project manager documentation precedes information gathering from neutrals and parties. Moreover, it will be several months before most of the current cases being managed by the U.S. Institute will reach the stage when information would be sought from parties or neutrals.

### **2.4 Future Uses**

Ultimately, if the information collected through this program evaluation system is not useful or is not used, the system will probably not be maintained for long. One way to assure its utility is to formally draw on information from the evaluation system for staff performance reviews. Most important, however, will be the analyses, which can identify conditions or practices that either contribute to or impede successful outcomes, leading to strategic program improvements. In addition, it will be important to manage the data analysis so that case - or project - specific information will be available to project staff in a timely fashion. Further, aggregate analysis should be made on a periodic basis for the full staff and oversight entities to track the overall performance of the program.

In addition, it is anticipated that the evaluation system will yield useful performance information for neutrals on contract and for the project management staff overseeing neutrals, including the roster manager. No specific plans, however, have been developed at this point for how to manage the use of this information about neutrals. Over time, experience with the management of roster systems for professional neutrals has grown. Increasingly, roster managers voice concern over issues of qualifications, quality control, and mechanisms for providing feedback and mentoring. Careful attention to these issues is warranted and further reflection needed.

The U.S. Institute expects to share aggregate evaluation results with other federal agencies to demonstrate collective ECR outcomes and report on ECR outcomes to individual agencies for those projects involving the U.S. Institute or its contractors. It may also be possible for the U.S. Institute to manage the data collection, analysis and reporting for agency ECR cases and projects with which the U.S. Institute is not necessarily involved directly, using its standard instruments. Alternatively, agencies may use the evaluation instruments independently once the Office of Management and



Budget have cleared them for use. Finally, the U.S. Institute may assist other federal agencies in developing their ECR program for internal performance review requirements.

The U.S. Institute is considering how it will make the data it collects available more broadly and how it might assist other federal agencies in administering the necessary protocols to assure appropriate confidentiality of data, maintain essential records, and manage appropriate and timely access to such data in the future.

### 3. EVALUATING CONFLICT ASSESSMENT

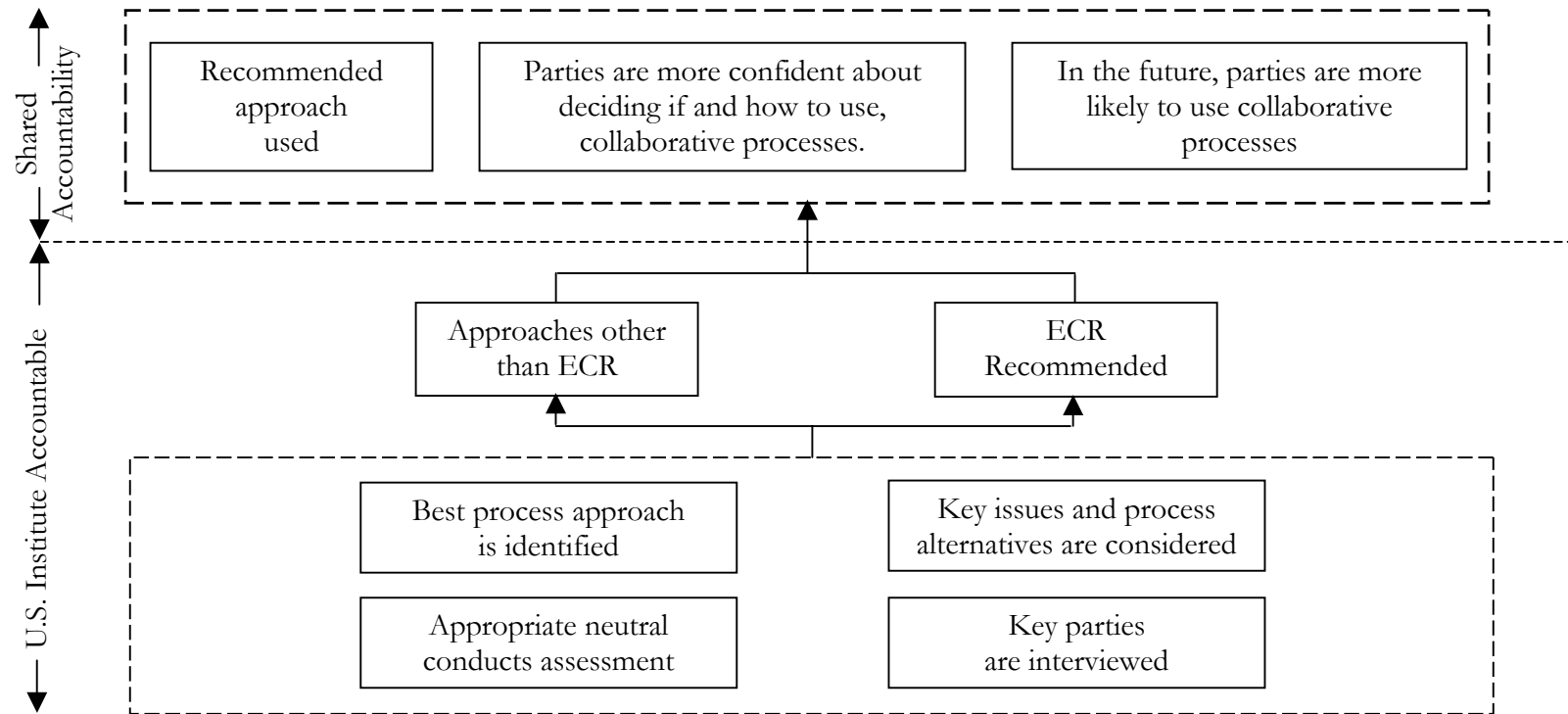
#### 3.1. Overview

The U.S. Institute consistently encourages the use of conflict or situation assessments. Generally, such assessments are conducted by a qualified neutral and include a series of confidential, structured interviews in person or on the telephone with individuals or groups of parties. Through such assessments, neutrals identify and clarify key issues and parties, and assess the appropriateness of an ECR process and its potential for helping the parties reach agreement. Assessment reports seek to clarify and communicate in an impartial manner the issues and concerns of all parties, and commonly conclude with process design recommendations intended to provide the parties with one or more options for effectively, moving forward to build consensus or resolve their disputes.

#### 3.2. Outcomes and Definitions

Following are the best practice factors and desired outcomes for conflict assessment projects, together with the definitions of key terms. The chart on the next page (Figure 3-1) depicts the relationships among the factors and outcomes.

1. The neutral assigned to conduct the assessment is appropriate for the assignment. *An appropriate neutral is one with the necessary experience to conduct the type of conflict assessment required.*
2. Key parties are consulted in the conflict assessment. *Key parties include those with decision authority by law, those who could significantly influence the decision outcome or its implementation, and those who may be directly affected by the decision.*
3. Conflict assessment considers key issues and alternatives. *Key issues are important issues the parties indicate must be addressed. They may include issues that divide the parties or that represent major decision to be made. Process alternatives are different options for how to approach and design a collaborative conflict resolution effort.*
4. Best process approach is identified. *Best approach is the one that best matches the nature of the issues in conflict (values, rights, interests, etc.), the readiness of the parties to proceed, and the capacity (skills, time and resources) of the parties to engage with one another.*
5. Environmental Conflict Resolution (“ECR”) or an approach other than ECR is recommended. *Conflict assessments may assist in either recommendation.*
6. Parties are more confident about deciding how and if to use, and more likely to consider collaborative processes in the future. *Collaborative processes are joint efforts to achieve common goals through shared responsibility and accountability for a decision-making process, along with a commitment to work together to satisfactorily reconcile each other’s key concerns and interests.*
7. Recommended approach is used. *Convener, sponsors, and participating parties choose to follow the process design approach recommended by the neutral assessors, which has been based on their evaluation of the type of conflict and the readiness of the parties to proceed, as well as the parties’ capacities and constraints.*
8. In the future, parties are more likely to use collaborative processes. *As a result of participating in the conflicts assessment, parties will become better informed about determining whether to pursue a collaborative approach in a particular situation and will be alert to future opportunities where a collaborative process may be appropriate.*

**FIGURE 3-1. OUTCOMES FOR CONFLICT ASSESSMENT**

### **3.3. Acquiring Needed Information**

Three instruments will be used to evaluate achievement of desired outcomes at the conclusion of a conflict assessment (see Appendix A). Questionnaires will be administered to the initiating organization, the neutral that conducted the assessment, and the U.S. Institute project manager.

#### **Initiating Organization: Conclusion of Process**

After the conflict assessment report has been disseminated and the parties have taken action on the report recommendations, the initiating agency or organization(s) will be surveyed once via questionnaire to determine their views on a variety of issues. Topics to be investigated include: was the conflict assessment approach well-suited to the nature of the issues in conflict; was the selected neutral appropriate for the assignment; were all key parties consulted, and, were all key issues and process alternatives properly identified and considered? The voluntary questionnaire contains 15 simple questions, many of which require respondents to only provide a fill-in-the blank rating number. Information from the questionnaire will permit U.S. Institute staff to not only evaluate performance for specific projects, but also improve the design of future conflict assessments.

#### **Neutral: Conclusion of Process**

After the conflict assessment report has been disseminated and the parties have taken action on the report recommendations, the selected neutral(s) assessor will be surveyed once via questionnaire to determine their views on a variety of issues. Topics to be investigated include: was the conflict assessment approach well suited to the nature of the issues in conflict; were all key parties consulted, and, were all key issues and process alternatives properly identified and considered? In most cases, it will be specified in the neutral's contract that they be required to complete the questionnaire. The neutral's questionnaire contains 14 simple questions, many of which require respondents to only provide a fill-in-the blank rating number. Information from the questionnaire will permit U.S. Institute staff to not only evaluate performance for the neutral, but also improve the process for selecting appropriate neutrals for future conflict assessments.

#### **Project Manager: Conclusion of Process**

Similarly, the Institute's project manager will also complete a questionnaire. Issues that will be evaluated include: the recommendation for how to proceed with addressing the controversy; whether key parties were included in the assessment; whether the selected neutral assessor was appropriate for the case; the extent of the assessment effort; confidence in the process recommendation; and perception of the initiating agency's satisfaction with and learning from the conflict assessment. The project manager's questionnaire contains 18 simple questions, many of which require respondents to only provide a fill-in-the blank rating number. Information from the questionnaire will permit the U.S. Institute to not only evaluate performance for the neutral, but also improve the process for selecting appropriate neutrals for future conflict assessment projects.

## 4. EVALUATING ECR PROCESS

### 4.1. Overview

ECR projects include collaborative processes to develop proposals or recommendations (e.g., government advisory activities), plans (e.g., land use or resource management plans), or rules or regulations. ECR projects also include collaborative processes to resolve crystallized disputes. These projects are focused on agreements – plans, proposals, recommendations or dispute settlements. Project benefits include a set of process outcomes as well as a set of agreement outcomes.

### 4.2. Outcomes and Definitions

Following are the best practice factors and program outcomes and impacts for ECR projects, together with the definitions of key terms. The chart on the following page (Figure 4-1) depicts the relationships among the factors and outcomes/impacts. Note that process outcomes are articulated separately from agreement outcomes, emphasizing the importance of each set, and that a dashed line separates those elements for which the U.S. Institute is primarily responsible (best practice factors and program outcomes) from those which are the responsibility of others (program impacts).

1. ECR is used if it is the best approach. *This is an outcome determined by the Conflict Assessment process.*
2. Right parties are effectively engaged in the process. *Right parties are those who have decision-making authority, are affected by or have a strong interest in the controversy, or who are needed to successfully implement an agreement. Effective engagement involves active participation in discussions and creative problem solving. Parties need to be engaged throughout the process; if additional “right parties” are identified during the process, they should be added to the participants in the collaborative group.*
3. Appropriate scope & design is used. *The process design and scope reflects the complexity of the controversy, the number of parties, and the relative importance of the issues (perhaps with some issues not amenable to negotiation). The process could include a single group or several working groups and a steering committee, shuttle diplomacy among groups, a hierarchical plan to address specific issues, or various other designs.*
4. Parties have the capacity to engage in the process. *The process is affordable (parties have sufficient money and time) and culturally acceptable. Individuals who have attitudes, aptitudes and skills needed for active participation in collaborative processes and who can speak for each party represent them in negotiations.*
5. Appropriate neutral(s) guides the process. *An appropriate neutral is one who has skills and experience relevant to the process used, and sufficient substantive knowledge to understand the issues and the positions/ interests of the parties. An appropriate neutral will facilitate/ mediate impartially, provide clear direction and manage time well.*
6. Best information (e.g., legal, technical) used by parties. *A process is used for obtaining information (scientific, legal, economic, cultural, etc) and illuminating areas of agreement/ disagreement among experts, and the results are presented in a manner appropriate to the knowledge levels and skills of the participants.*

7. Parties communicate and collaborate. *Parties talk to each other without advocates and not through the neutral. Parties' listen and can articulate what others express; discussion focuses on the issues, not the parties.*
8. Use of ECR narrows disagreements to key issues. *ECR reduces the number of issues, focuses on high priority issues, and identifies issues that are better dealt with in another forum.*
9. Parties' capacity to manage or resolve conflicts is improved. *Disputes are addressed and resolved sooner; need for assistance is reduced.*
10. All parties are satisfied with the process. *All parties perceive an improvement in the relationships among parties, consider the process to have been fair and open, and are satisfied with the services of the U.S. Institute.*
11. Issues that parties cannot agree on are addressed with other approaches. *Other approaches include adjudication, administrative decision making and other forms of alternative dispute resolution.*
12. Parties reach complete and durable agreements. *Agreements involve plans, proposal, recommendations or settlements of disputes. Agreements are written documents signed by a representative of each party. No critical issues are left out of the agreement; anything that could derail the agreement is addressed. Agreements are specific and measurable; have attainable provisions addressing the relevant controversy, and meet relevant legal requirements.*
13. All parties involved are satisfied with that they have accomplished. *Parties are satisfied with the agreement.*
14. Agreements are implemented. *Each party as specified enacts terms of the agreement.*
15. Agreements endure changes in conditions and unanticipated events. *Terms and conditions are realized fully and within agreed upon schedules.*
16. Parties will use collaborative process more frequently and expend fewer resources on disputes; fewer and less intense disputes will occur. *Increased use of collaborative processes in the future will improve the management of conflict and the resolution of disputes.*

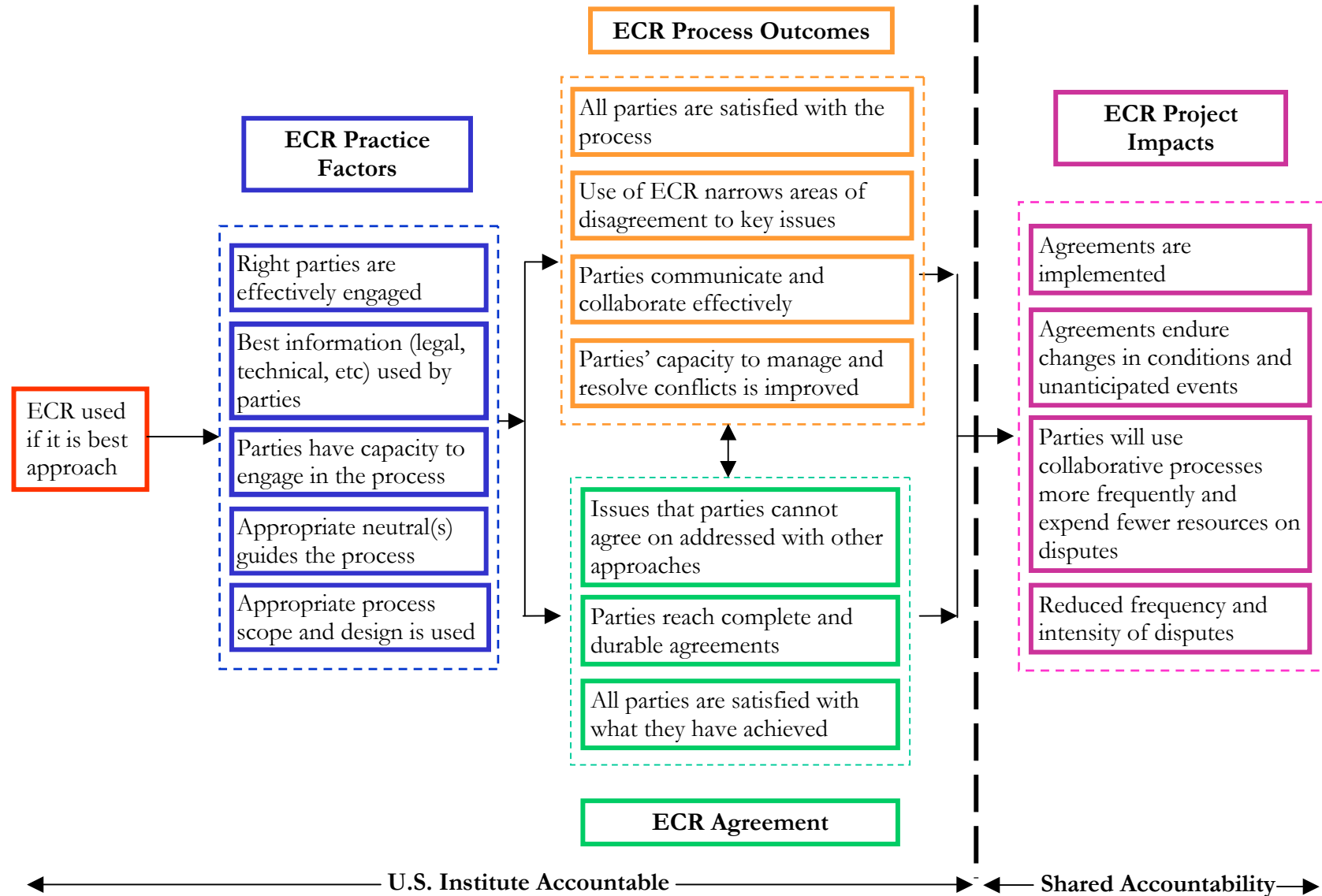


FIGURE 4-1. OUTCOMES FOR ECR PROCESS

### 4.3. Acquiring Needed Information

Instruments have been devised to collect information concerning each of the ECR project factors and outcomes (see Appendix B). In addition, they also solicit information on costs and benefits, whether another (non-ECR) approach was identified for the remaining issues, and how difficult the project was.

Except for basic information on the nature and location of the project and other characterizing information provided by the Institute project manager, evaluation information will be collected by questionnaires administered to all of the participants in the project. General topics to be investigated via questionnaire parallel the best practice factors and the program outcomes: appropriate neutral, right parties, capacity of the parties, best information and appropriate design (Best Practice Factors); parties communicate, disagreements narrowed, capacity to manage conflict improved, and parties satisfied with the process (Process Outcomes); agreements reached, issues where agreement not possible addressed elsewhere, and parties satisfied with achievement (Agreement Outcomes); and agreements implemented and endure, parties will use collaborative processes and handle disputes more efficiently, and disputes reduced in frequency and intensity (Project Impacts).

#### Parties: Conclusion of Process

Immediately following an ECR process, the parties that have been involved will be surveyed once, via questionnaire, to determine their views on a variety of issues. These include: are the parties now more likely to consider collaborative processes in the future; were the “right” parties effectively engaged throughout the process; was there an appropriate scope and design for the ECR process; did the parties have the capacity to engage in the process; was the neutral (or team) that guided the process appropriate; did all parties have access to the best available and relevant information? The voluntary questionnaire contains 29 questions, many of which require respondents to only fill-in-the blank with their level of agreement or a rating number. Information from the questionnaire will permit U.S. Institute staff to evaluate if the intended ECR outcomes were achieved, and if so or if not, why.

#### Parties: Follow-Up to Process

To gain information concerning the longer-term effectiveness of the ECR process, an additional questionnaire will be administered to the parties at a future date following conclusion of the process. Topics to be examined include: do all parties perceive an improvement in their collective relationships; do the parties consider the ECR process to have been fair and open; did the decision makers agree to implement the plans, proposals, recommendations or settlement agreement, and - if implemented - did the solution endure changes in conditions and unanticipated events; and are the parties satisfied with services of the U.S. Institute? The voluntary questionnaire contains 13 questions, many of which require respondents to only fill-in-the blank with their level of agreement or a rating number. Information from the questionnaire will permit U.S. Institute staff to evaluate if the ECR outcomes were sustainable, and if so or if not, why.

#### Attorneys: Conclusion of Process (Mediation Only)

Immediately following conclusion of an environmental mediation, attorneys (if any) who represented parties to the dispute will be surveyed once, via questionnaire, to determine their views on a variety of issues. Topics to be investigated are similar to those in parties' questionnaire above, except this instrument places greater emphasis on gaining a legal perspective. This voluntary



questionnaire contains 38 questions, and only a few of these require other than a simple fill-in-the blank response. Information from this questionnaire will permit U.S. Institute staff to evaluate if the intended ECR outcomes were achieved, and if so or if not, why.

### **Neutrals: Conclusion of Process**

Immediately following conclusion of an ECR process, the neutral(s) will be surveyed once, via questionnaire, to determine their views on a variety of issues. Topics to be investigated include: was the ECR approach well suited to the nature of the issues in conflict; were all key parties consulted, and were all key issues and alternatives properly identified and considered? In most cases, the neutral's contract will require completion of the questionnaire. The neutral's questionnaire contains 44 questions. Information from this questionnaire will permit U.S. Institute staff to evaluate if the intended ECR outcomes were achieved, and if so or if not, why.

### **Neutrals: Conclusion of Process – Case Summary**

Immediately following conclusion of an environmental conflict resolution process, the neutral(s) will be asked to provide answers to four questions the answers to which will help the U.S. Institute characterize the controversy. Among other things, the questions explore the benefits from the collaborative process, and insights concerning which controversies are most appropriate for collaborative processes, along with suggestions regarding the design and implementation of ECR processes. In those cases managed by the U.S. Institute, the neutral's contract will require completion of the case summary. Information from the summary will provide additional insights on achievement of the ECR outcomes the reasons why they were or were not achieved.

### **Project Manager: Conclusion of Process**

Most of the project manager's questionnaire focuses on the nature of the process and the involvement of the parties, the performance of the neutral, and the progress made by the parties in terms of achieving process as well as agreement outcomes.

## 5. EVALUATING THE ROSTER PROGRAM

### 5.1. Overview

The U.S. Institute has a full-time Roster Manager who supervises a Roster Program consisting of two main components: design and operation of the *National Roster of Environmental Dispute Resolution and Consensus Building Professionals*, and overseeing the associated referral system.

Membership on the roster remains open at all times and requires applicants to demonstrate a level of training and experience adequate to meet specific, objective entry criteria. The roster first became operational in February 2000 and currently includes over 185 members nationwide.

When making referrals, and locating neutrals for sub-contracting, the U.S. Institute uses the roster as a primary source to find experienced individuals, particularly in the locale of the project or dispute. ADR specialists at the U.S. EPA also currently have direct access to the roster and use it to assist them in finding practitioners. Other federal agencies and the public will soon have direct access to the roster via the WWW. When requested, the Roster Manager also provides advice and assistance regarding selection of appropriate practitioners.

Additional information about the roster, the search, and the associated referral service, is available on the Institute's website: <http://www.ecr.gov/>, by clicking the roster link.

### 5.2. Outcomes and Definitions

Careful study of the Roster Program revealed 8 key outcomes. Following are the outcomes for the roster program, together with the definitions of key terms. Underlying assumptions (embedded outcomes) include: 1) no one using the web-based roster access and search system should have any problems that are attributable to website design or operations; 2) experienced environmental practitioners, and potential users of the roster search and referral system, must be aware of the roster; 3) appropriate practitioners must be recruited to the roster (meaning ECR practitioners, including those with national reputations able to work in complex settings, like superfund, and appropriately experienced and qualified practitioners who can provide services for local disputes.) The chart on the following page (Figure 5-1) depicts the relationships among the outcomes.

1. Membership is perceived to be useful. *Useful means experienced environmental practitioners perceive that inclusion on the roster provides a benefit.*
2. Potential users view the roster as a credible source. *Credible means that the roster is seen as professional, up-to-date, unbiased and a leading source for locating neutrals.*
3. The roster entry criteria are clearly articulated and applicants satisfied that the application process is equitable. *Equitable means every application is reviewed, entry criteria applied consistently, and each applicant is provided the same opportunity for communication with the roster manager.*
4. Roster members have fair and equitable opportunity for referral. *Fair and equitable means that the search and referral process provides the same opportunity to each member.*
5. Search criteria and member profile information is useful to identify appropriate neutrals. *Roster users should find the search criteria useful in defining the characteristics of, and the profile information useful in identifying, a neutral with experience, background and skills suitable to the situation.*
6. Roster searches are effective with adequate profile information and member diversity. *Diversity refers to geographic location, background, skills, etc.; adequate information means roster members select the right information to represent themselves in the Profiles used for search matches.*

7. A sufficient array of appropriate candidate neutrals is accessible to users form roster. *The listing should provide more than one practitioner whom users feel is suitable to the situation (geographically, experience, background, and skills.)*
8. The roster is the most efficient and effective way to identify appropriate neutrals. *The roster should require fewer resources from users than other methods and reduce the likelihood of making an inappropriate selection.*

These roster outcomes are represented in Figure 5-1. Starting at the bottom of the chart, several initial outcomes must be present for the roster to be effective and achieve its intended results (outlined in red):

- Practitioners with experience in environmental cases must perceive membership on the roster to be a useful benefit to their careers, their business and/or the field.
- Potential users of the roster search and referral system must perceive that the roster provides a credible (professional, up-to date, unbiased, leading) source for locating experienced environmental practitioners.
- The application procedures, entry criteria information and supporting documentation for practitioners to become members of the roster must be well developed and clearly presented; and applicants to the roster must be satisfied with the process and materials for applying and adjudication of their application.

A set of intermediate outcomes, outlined in green, applies to roster members. For the roster to work effectively, roster members must provide descriptions of their qualifications and experience that reflect their strengths as ECR practitioners so that they will be identified for projects where they should be considered as potential neutrals. This involved success in the following outcomes:

- Roster members must be satisfied that the roster provides a fair and equitable process for referral to cases, so that they are motivated to maximize their opportunity for a search match/referral.
- Roster members must collectively provide the range of characteristics and experiences that will be sought by those using the roster to identify potential neutrals, and each roster member must provide information about him or herself that will lead to being matched with cases that suit their experience and qualifications.
- The overall membership of the roster must contain a sufficiently diverse group (geography, practice, background, skills, characteristics, etc.)

The other intermediate outcome, outlined in blue, concerns use of the roster by those seeking to identify neutrals appropriate for a given case (a dispute or situation.) Success here relies heavily on a good match between the characteristics of the presented case and the qualifications and experience of roster members. This outcome must be fully achieved for success:

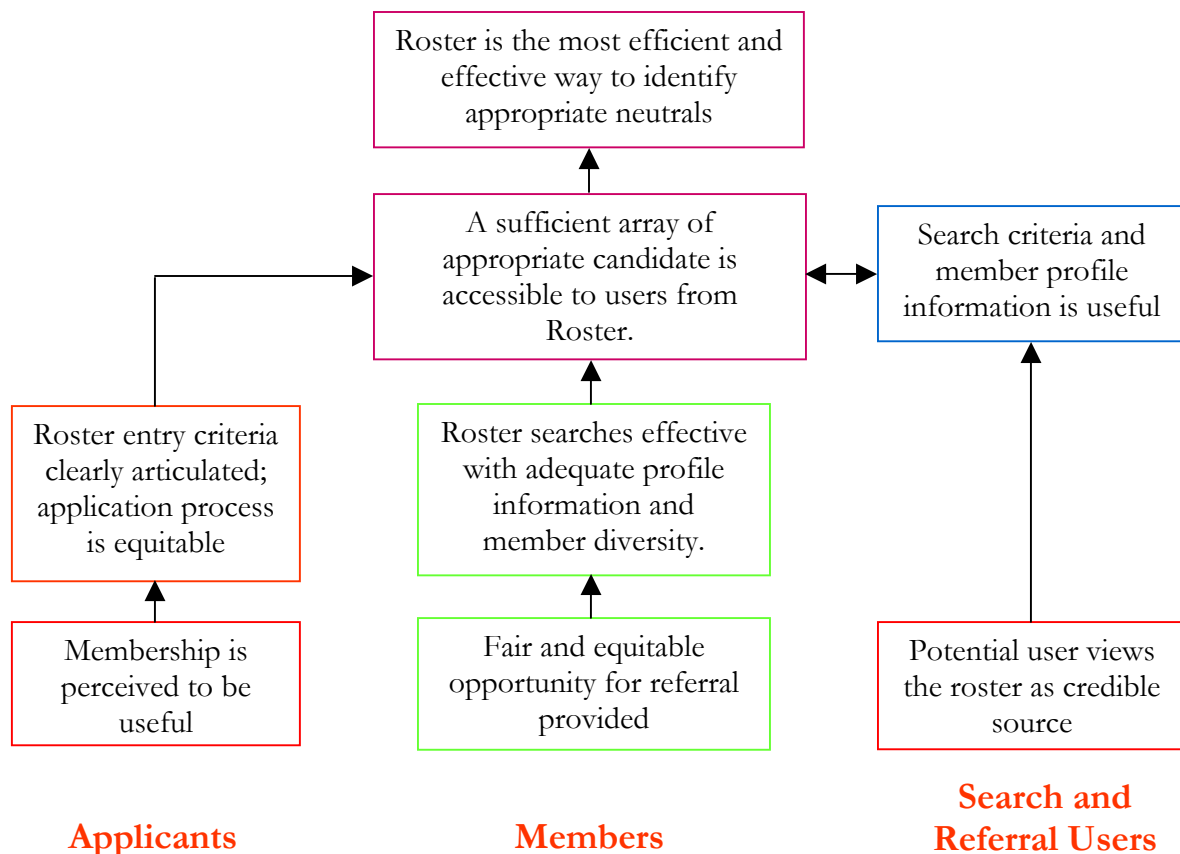
- Roster users need to identify and then use the criteria most likely to lead to identifying appropriate neutral practitioners. The search criteria developed by the U.S. Institute must work for these purposes – i.e. to assist searchers in identifying key elements of the case, corresponding to member experience, skills, background, etc., most likely to result in satisfactory identification of suitable neutrals; as a corollary, the roster members' Profiles must provide the information search users deem necessary to locating appropriate neutrals.

To achieve the higher-level outcomes (shown in magenta), roster members and users must perceive the roster as a valued referral site. Roster members will only benefit if the roster is used in identifying potential EDR practitioners. Moreover, roster users will only use the roster if it is found

to be an efficient and effective method for identifying experienced practitioners. This requires that leading practitioners are included in the roster, and that they have sufficient respect for the potential benefits to ensure that the information they provided is representative of their capabilities and experience. Thus, achievement of the magenta outcomes requires success in both the roster member (green) and roster user (blue) outcomes.

If outcomes for roster members and users are achieved, then program theory indicates the roster outcomes themselves should occur, namely:

- an appropriate initial list of neutrals is generated by the roster (leading to an appropriate neutral being selected for the assignment) and,
- over time, the roster will be regarded as the most efficient and effective way to identify potential neutrals for environmental cases (and will become the primary source for users seeking a neutral for environmental disputes.)



**FIGURE 5-1. OUTCOMES FOR THE ROSTER PROGRAM**

### **5.3. Acquiring Needed Information**

Data and information to support evaluation of the Roster Program will be gathered from three main sources: roster members; searchers who use the roster website unassisted; and searchers who request referral assistance from U.S. Institute staff. Five questionnaires (see Appendix C) have been developed to generate needed data and information; they are directed to:

1. roster members (initial)
2. roster members (annual follow-up)
3. users of the roster search website
4. searchers who use the roster website unassisted, and
5. searchers who obtain referral assistance from U.S. Institute staff.

#### **Roster Members (Initial)**

As soon as possible following OMB clearance, all current roster members will be surveyed; new members, added after this initial survey, will be surveyed upon application approval. Topics to be investigated include their level of satisfaction with the application process and computer system that provides web access; and their level awareness of the roster opportunities, how to best use it, and other perceptions about the roster's functions and usefulness. This voluntary questionnaire contains 20 questions, and most require only a simple fill-in-the blank response.

#### **Roster Members (Annual Follow Up)**

All current roster members will also be surveyed as a whole, on the annual anniversary of the initial mailing to all current roster members, described above. This survey is designed to determine their views on topics similar to those in the questionnaire described above, and particularly as their perceptions evolve over the time and experience of their membership. The topics include their level of satisfaction with their roster membership, the computer system that provides web access, and the degree to which roster membership has been beneficial to them over the past year. This voluntary questionnaire contains 20 questions, and most require only a simple fill-in-the blank response.

#### **Roster Website Users (And Search Registration)**

Users who are seeking electronic access to search the roster must first register on-line to gain direct access to the roster search website. To register, potential searchers must provide the following information: name, username (email), selected password, phone number, searcher affiliation (e.g., Federal Government, Industry/Corporate), agency and region (if applicable.) This information will provide the necessary basis for administering search user questionnaires and to follow-up. It will also provide useful information, such as the number of searchers and searches in each affiliation category.

These registered searchers will be surveyed once, prior to logging off from their first use of the search website. This survey will request feedback about the functioning, design, and utility of the website itself. Should major revisions occur in the website design, these users will again be surveyed, once, following their next use of the roster search website. This voluntary questionnaire contains seven questions, most requiring only a simple fill-in-the blank response.

#### **Roster User (Searching Roster Website)**

Those who use the roster website to search for roster member practitioners, will be registered, as described above. Following each new search, the searcher will be asked to provide specific information associated with the search (there is one survey for each dispute/situation, even if the

searcher conducts follow-up searches for the same dispute/situation; the dispute/situation is identified with the name chosen by the searcher, which can be non-identifying.) Users will be asked to complete a questionnaire that gathers information pertaining to the search purpose, neutral selection process, the resulting neutral selection, as well as usefulness of the roster and the information provided. This questionnaire should ideally be administered as close to the search time as feasible. However, this survey must also wait until a practitioner has been selected, or a decision is made not to select a practitioner, which, experience has indicated, can take several weeks to several months. Thus, the survey will be administered, via email link to an on-line web page, in 30-day intervals following the search until it can be answered (mimicking the feedback system now in place for the currently registered EPA ADR specialist searchers.) This voluntary questionnaire contains 23 questions, most requiring no more than a simple fill-in-the blank response.

### **User (Requesting Roster Referral)**

Those seeking to identify appropriate neutrals can choose to contact the Roster Manager, who will gather information, conduct the search for them, and provide hard copies of the roster member Practitioner Profile available on the web. Users who request assistance for their roster search directly from the Roster Manager, or other U.S. Institute staff, will be surveyed once for each new assisted roster search. These searchers and the search questionnaire will ask referral requestors to provide information similar to that described for direct search users, as well information about the utility of the advise and service provided by the Roster Manager. The voluntary questionnaire contains 18 questions, most requiring only a simple fill-in-the blank response, and will be administered similarly to the process described above for Roster User (Searching Roster Website.)

## 6. EVALUATING ECR TRAINING

### 6.1. Overview

Education and training sessions are conducted by the U.S. Institute and its contractors for a variety of audiences to increase the appropriate use of ECR and to improve the ability of those participating in ECR processes to effectively negotiate on their own behalf and collaborate on the best possible agreement. The subject of training sessions varies widely, depending on the participants and their specific training needs. The specific objectives of the training must be articulated at the outset and professional training instructors are expected to design and/or deliver appropriate training to meet those objectives and the expectations of the participants.

Participants in training sessions will be asked to complete three questionnaires, one each before the course is presented, again at the conclusion of the training, and finally at some future date. Likewise, instructors will be asked to complete two questionnaires, one each before the course begins, and at the conclusion of the course.

### 6.2. Outcomes and Definitions

Following are the best practice factors and outcomes for ECR training projects, together with the definitions of key terms. The chart on the following page (Figure 6-1) depicts the relationships among the factors and outcomes.

1. A need has been identified and it has been determined that training is an appropriate response. *A need is a gap between the capabilities of participants in a conflict situation and the requirements for a successful resolution. Training is an appropriate response to such a need when participant capacity can be addressed through enhancing skills, increasing knowledge, and changing attitudes. Training may not be an appropriate response if significant organizational barriers exist that prevent the application of the skills, knowledge, and attitudes to be acquired through the training. Training is more likely to achieve its desired results when the need for the training is identified by prospective participants as well as by agency or organizational leadership and management. When the individual identifies a need, there is increased motivation and receptivity to learning and change. When the agency or organization identifies a need, there will presumably be an institutional commitment to support the changes in behavior and performance needed to achieve increased efficacy in environmental conflict resolution.*
2. Design of the training program matches the needs and characteristics of the participants. *Training should be designed to correspond with the existing level of knowledge, skills, and attitudes of the target participants. In addition, the motivations and degree of interest, as well as preferred learning styles of the participants should be considered in designing a training program.*
3. Participants and instructors share a common understanding of the learning objectives of the training. *Desired training outcomes are more likely to be achieved when the expectations of participants regarding their individual anticipated learning gains are congruent with learning objectives being pursued by the instructors.*
4. Participants demonstrate appropriate learning during the training. Instructor identifies shortcomings and responds appropriately. *Opportunity is provided during the course of training delivery for the instructor to assess the extent of learning taking place among participants and to make adjustments as appropriate.*

5. Participants know how they what they learn. *For desired training outcomes to be achieved, participants need to anticipate how they will apply and utilize the new learning they have acquired.*
6. Participants have a positive reaction to the training. *A positive reaction by participants to the course materials, the training facilities, and the instructors enhances and facilitates the learning process.*
7. Participants and instructors share a common understanding of the learning gains that have been achieved during the training. *The degree of consistency between the perspectives of the instructors and the participants regarding learning gains achieved is important feedback that is needed to modify and improve future trainings. It also provides an early indication of what can be expected of participants in terms of future changes in behavior as they attempt to apply what they have learned.*
8. Participant behavior and performance has changed consistent with the learning. *The desired outcomes of training relate to enhanced capacity and efficacy in resolving environmental conflicts. These outcomes can be measured by the extent to which previously inadequate behaviors for successfully resolving conflicts have been replaced by more effective behaviors that incorporate the skills, knowledge, and attitudes addressed during the training.*
9. Sponsoring agencies/organizations support behavior and performance changes. *To achieve increased efficacy in environmental conflict resolution, agencies and organizations that sponsor training activities must support the associated changes in behavior and performance of its employees. This can be accomplished through management policies and procedures, such as performance measures and evaluations.*
10. The behavior and performance of participants is generating desired results. *Ultimately, the desired result of the training is increased efficacy by the individual as well as their agency or organization in resolving environmental conflicts.*
11. Training has been an effective investment. *The agencies or organizations that have paid for their employees to participate in training to achieve certain desired results determine that they have obtained an acceptable return on their investment.*



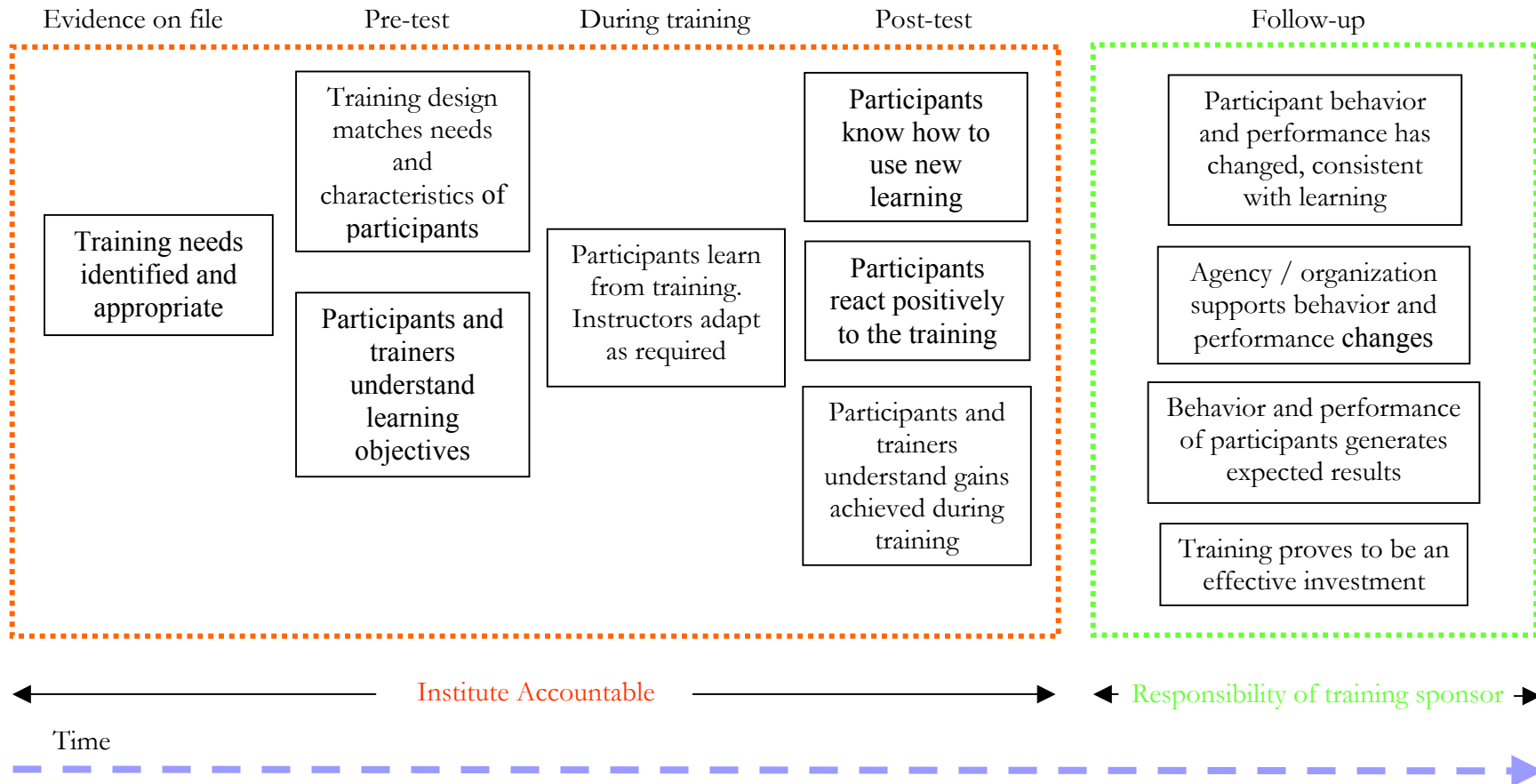


FIGURE 6-1. OUTCOMES FOR ECR TRAINING

### **6.3. Acquiring Needed Information**

Seven different instruments have been designed to collect information for evaluating each of the best practice factors and outcomes for ECR training (see Appendix D). Questionnaires will be administered to training instructors and participants before the start of training. The training instructor will administer a test mid-way through the training. Post Tests will be administered to the instructor and the participants immediately after a training program has been completed. A Follow-Up Questionnaire will be administered to participants approximately six months following the training. Finally, the Initiating Organization will also be asked to complete a Questionnaire approximately six months after the training.

#### **Instructor: Pre Test**

Instructors will be asked to complete a questionnaire before the course begins. In most cases, it will be specified in the instructor's contract that they complete the questionnaire. This survey instrument contains six questions, most requiring only a simple fill-in-the blank response. Data and information from this questionnaire will establish a baseline of the instructor's expectations and intentions to be used in measuring changes at the end of the course. This information, in conjunction with information collected from participants, will be used to determine whether the design of the training program matched the needs and characteristics of the participants; and to assess whether the instructors and participants shared a common understanding of the learning objectives for the training.

#### **Instructor: Post Test**

When the course concludes, instructors will be asked to complete a questionnaire. In most cases, it will be specified in their contract that they complete this questionnaire. The survey instrument contains five questions, most requiring only a simple fill-in-the blank response. Data and information from this questionnaire will help establish a contextual baseline for evaluating survey data from the training participants. As well, this instrument is also intended to generate useful feedback on ways to improve the U.S. Institute's training projects.

#### **Participant: Pre Test**

Training participants will be asked to complete a questionnaire before the course begins. Participation is voluntary and the questionnaire contains 18 questions, most requiring only a simple fill-in-the blank response. Data and information from this questionnaire will establish a baseline for measuring changes in an individual's level of skill and knowledge as a function of participation in the training sessions. In addition, the information will be used to determine whether the design of the training program matched the needs and characteristics of the participants; and to assess whether the instructors and participants shared a common understanding of the learning objectives for the training.

#### **Participant: Post Test**

Training participants will be asked to complete a questionnaire at the end of the course. Participation is voluntary and the survey instrument contains nine questions, about half requiring descriptive answers. Data and information from this questionnaire will be compared with the baseline established with the pre-training questionnaire. Results will be used to determine the effectiveness of the training in improving each participant's level of skill and knowledge, and to aid in determining what, if any, factors favorably or adversely affected the participant's learning. The

questionnaire will also identify ways in which the participants anticipate utilizing what they have learned. The application of learning will be explored again later in a follow-up questionnaire.

**Participant: Follow-Up**

Six months (or an appropriate interval to be determined) after the training session, each participant will be asked to complete a final questionnaire. Participation is voluntary and the survey instrument contains nine questions, about half requiring descriptive answers. Data and information from this questionnaire will be used to determine the longevity and practical application of any improvements in skills and knowledge that participants gained from the original training sessions. The questionnaire also contains some questions designed to identify if and why longer-term training results may not be expected.

**Initiating Organization**

Approximately six months after the training session, the organization that initiated the training request will be asked to complete a short questionnaire to evaluate whether the desired results of the training are being achieved. The organizations will also be asked whether their investment in training has been proven to be worthwhile.

## 7. EVALUATING PUBLIC MEETING FACILITATION

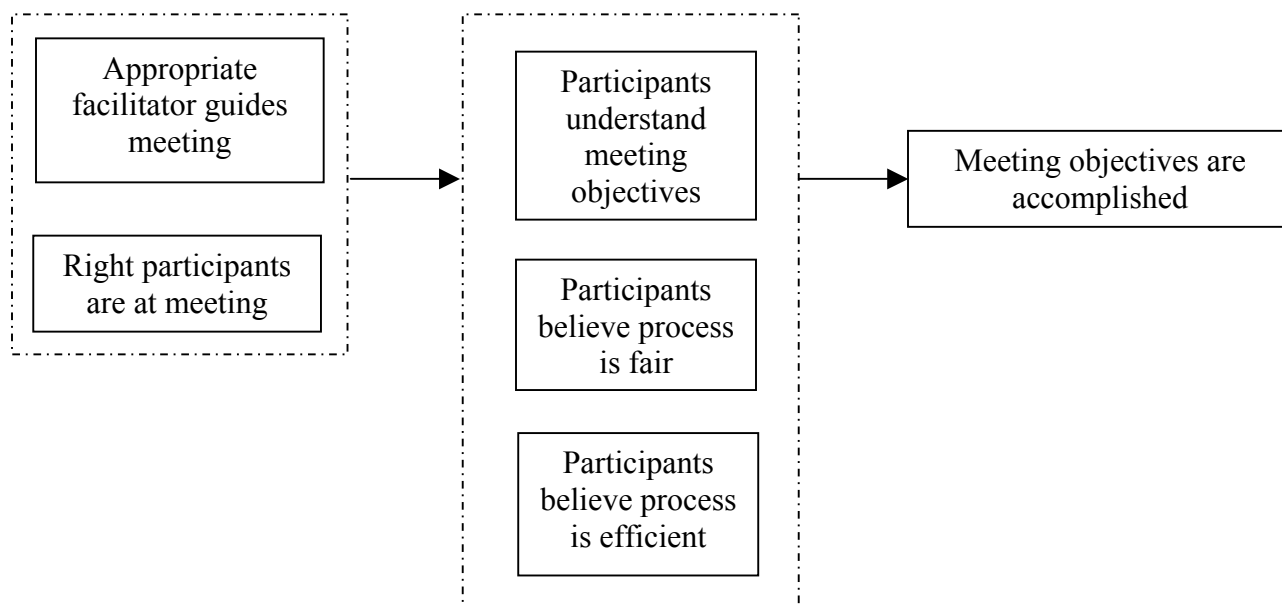
### 7.1. Overview

U.S. Institute staff and contractors facilitate and provide leadership for many public meetings, ranging from small group meetings to large public convening's of several hundred attendees. In order to maximize the probability that the articulated meeting objectives will be accomplished, the meeting participants must both understand the objectives for the meeting, and perceive that the meeting was managed in a fair and efficient manner. This requires that the appropriate facilitator run the meeting, and the right people attend the meeting.

### 7.2. Outcomes and Definitions

The following are the best practice elements and outcomes for projects involving public meeting facilitation, together with the definitions of key terms. The chart on the following page (Figure 7-1) depicts the relationships among the elements and outcomes.

1. Right participants are at the meeting. *Right participant means all individuals and organizations that are: interested in the issue, potentially impacted, and who can affect immediate and future agreements that may stem from the meeting including accomplishing the meeting objectives.*
2. Appropriate facilitator guides the meeting. *Appropriate facilitator means a neutral with skills and experience relevant to the process used and sufficient substantive knowledge to understand the issues and interests of all participants. The appropriate facilitator is impartial and will create an environment where the participants are fully engaged. The appropriate facilitator will provide clear direction, ensure that everyone has sufficient information, and manage the meeting time effectively.*
3. Participants understand meeting objectives. *Meeting objectives include the desired goals or outcomes of the meeting are clear, and understood by all participants. Uncertainty relating to the meeting goals or outcomes is clarified at the beginning of the meeting.*
4. Participants believe process is efficient. *Meeting efficiency is defined as sufficient information is provided to all participants to fully engage in the meeting, the meeting time is managed effectively.*
5. Participants believe process is fair. *Meeting is fair means all participants are able to share concerns, take risks, generate options and be fully engaged in the meeting.*
6. Meeting objectives are accomplished. *Objectives are accomplished when the articulated goals and outcomes of the meeting are achieved. Any outstanding issues are identified, acknowledged, and agreed upon on how to address at a later date.*



**FIGURE 7-1. OUTCOMES FOR PUBLIC MEETING FACILITATION**

### 7.3. Acquiring Needed Information

A short questionnaire has been developed in order to evaluate the U.S. Institute staff and contractor level of achieving the best practice outcomes for facilitating public meetings as articulated in section 7.2. The questionnaire, provided as Appendix E, consists of nine questions, three questions are open-ended questions and the remaining six questions are fill-in-the-blank. The questions are designed to evaluate each of the six outcomes illustrated in Figure 7-1. The information gathered from the questionnaire will help evaluate the effectiveness of individual facilitators and the appropriateness of the meeting design, format and management. The questionnaires are voluntary and do not require individual identifying information other than organizational affiliation if applicable. Once the information has been collected and processed a summary will be provided to the facilitator and if requested, to meeting participants.

### Meeting Attendees: Conclusion of Meeting

While planning and preparing for the specific public meeting, the U.S. Institute staff or contractors will include time in the meeting agenda for participants to respond to the voluntary questionnaire at the conclusion of the meeting. The questionnaires will be collected after the meeting or may be returned to the U.S. Institute by fax or mail to the attention of the specified project manager or staff within the timeframe specified at the public meeting.

## **APPENDIX A: CONFLICT ASSESSMENT INSTRUMENTS**

- Initiating Organization – Conclusion of Process
- Neutral – Conclusion of Process
- Project Manager – Conclusion of Process

## PROGRAM EVALUATION SYSTEM

### CONFLICT ASSESSMENT: INITIATING ORGANIZATION CONCLUSION OF PROCESS

THE U.S. INSTITUTE FOR ENVIRONMENTAL CONFLICT RESOLUTION EVALUATES ALL OF ITS PROJECTS AND CASES. AS PART OF THIS EVALUATION WE ASK THE VARIOUS PARTIES WHO HAVE BEEN INVOLVED IN AN INSTITUTE PROJECT OR CASE TO PROVIDE US WITH INFORMATION ABOUT THEIR EXPERIENCE.

INFORMATION FROM THIS EVALUATION WILL NOT BE REPORTED IN A WAY THAT INDIVIDUALS OR ORGANIZATIONS CAN BE IDENTIFIED.

WE ASK FOR YOUR COOPERATION WITH THIS EFFORT TO GAIN INFORMATION ESSENTIAL TO OUR ONGOING EFFORT TO IMPROVE OUR SERVICES.

Project: \_\_\_\_\_

1. To the best of your knowledge when did this controversy begin to be an issue for you or your organization?  
 Month \_\_\_\_\_ Year \_\_\_\_\_
  
2. What was the recommendation regarding how to proceed with this controversy? **CHECK THE MOST APPROPRIATE BOX ONLY.**
  - ☐ Allow it to proceed through litigation or administrative proceedings.
  - ☐ Initiate a collaborative process to address the issues and work toward agreement.
  - ☐ Proceed with mediation to settle the dispute.
  - ☐ Do nothing at this time.
  - ☐ Other (**PLEASE SPECIFY**) \_\_\_\_\_
  
3. Was the recommendation followed? **CHECK THE MOST APPROPRIATE BOX ONLY.**
  - ☐ Yes (**GO TO 6**)
  - ☐ No (**PLEASE EXPLAIN**)  
 \_\_\_\_\_  
 \_\_\_\_\_
  - ☐ Uncertain (**PLEASE SPECIFY**) \_\_\_\_\_  
 \_\_\_\_\_
  
4. What approach was selected? **CHECK THE MOST APPROPRIATE BOX ONLY.**
  - ☐ Allow it to proceed through litigation or administrative proceedings.
  - ☐ Initiate a collaborative process to address the issues and work toward agreement.
  - ☐ Proceed with mediation to settle the dispute.
  - ☐ Do nothing at this time.
  - ☐ Other (**PLEASE SPECIFY**) \_\_\_\_\_

5. Please rate the following statements about the project or controversy. **USE A “0” TO INDICATE “TOTALLY DISAGREE” AND A “10” TO INDICATE “TOTALLY AGREE”**

Rating

- \_\_\_\_ a) We explored all of the alternatives that we can use to address this controversy.  
 \_\_\_\_ b) I am fully confident that every issue was sufficiently explored.  
 \_\_\_\_ c) I am fully confident that every issue was appropriately considered in the final recommendation.  
 \_\_\_\_ d) My first choice would be to use a conflict assessment again for similar situations.  
 \_\_\_\_ e) I would recommend a conflict assessment to others in a similar situation without hesitation.

6. What is your level of satisfaction with the conflict assessment process? **INDICATE YOUR AGREEMENT WITH THE STATEMENTS USING A “0” TO INDICATE “TOTALLY DISAGREE” AND A “10” TO INDICATE “TOTALLY AGREE”**

Rating

- \_\_\_\_ a) Overall, I am very satisfied with the conflict assessment process we used to decide how to address this controversy.  
 \_\_\_\_ b) I was very satisfied that all of the key affected interests were consulted.  
 \_\_\_\_ c) I was very satisfied with the option(s) developed to address this controversy.  
 \_\_\_\_ d) I would be very comfortable using the same neutral again for a similar process.

7. What is your assessment of the decision on how to proceed with this controversy? **INDICATE YOUR LEVEL OF CONCURRENCE WITH THE STATEMENTS USING A “0” TO INDICATE “TOTALLY DISAGREE” AND A “10” TO INDICATE “TOTALLY AGREE”**

Rating

- \_\_\_\_ a) I am confident that this selected approach will resolve the controversy.  
 \_\_\_\_ b) I am confident that all of the parties will engage in this process.  
 \_\_\_\_ c) Our organization fully supports the decision to take this approach.  
 \_\_\_\_ d) I am confident that all the other parties fully support this approach.

8. What is your forecast of the results that will be achieved with the approach that is going to be taken to resolve this controversy? **INDICATE YOUR AGREEMENT WITH THE STATEMENTS USING A “0” TO INDICATE “TOTALLY DISAGREE” AND A “10” TO INDICATE “TOTALLY AGREE”**

Rating

- \_\_\_\_ a) I am fully confident that the selected process will be the best choice.  
 \_\_\_\_ b) I am fully confident that all parties will agree that the selected process is the best choice.  
 \_\_\_\_ c) I expect that the selected process will lead to a full resolution of the controversy.



9. Please indicate your agreement with the following statements. **USE A “0” TO INDICATE “TOTALLY DISAGREE” AND A “10” TO INDICATE “TOTALLY AGREE”**

Rating

- \_\_\_\_\_ a) This controversy involves existing rights that cannot be negotiated or bargained.
- \_\_\_\_\_ b) This controversy involves issues that are fundamental values to one or more parties.
- \_\_\_\_\_ c) All of the issues in this controversy can be negotiated.
- \_\_\_\_\_ d) All of the key parties to this controversy will be willing to negotiate on all issues.
- \_\_\_\_\_ e) This is a very good time to engage in discussions with all of the key parties to this controversy.
- \_\_\_\_\_ f) This controversy involves fundamental values that one or more parties cannot negotiate or bargain on.

10. Are any of the issues in this controversy currently in litigation, or likely to enter into litigation soon?

- ☐ Yes, one or more key issues are currently in litigation.
- ☐ Yes, one or more key issues are likely to soon enter into litigation.
- ☐ No

11. Are you aware of any other problems or barriers to addressing or resolving the controversy with the process that was selected?

- ☐ Yes
- ☐ No **(GO TO 13)**

12. What are the barriers?

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13. As a result of your experience with the assessment of this controversy are you more likely to use collaborative processes in the future? **INDICATE YOUR AGREEMENT WITH THE STATEMENTS USING A “0” TO INDICATE “TOTALLY DISAGREE” AND A “10” TO INDICATE “TOTALLY AGREE”**

Rating

- \_\_\_\_\_ a) I am confident that if my agency is again involved in a controversy we will consider using a collaborative process to resolve the controversy.
- \_\_\_\_\_ b) I am confident that if my agency is again involved in a controversy we will recommend using a collaborative process to resolve the controversy.
- \_\_\_\_\_ c) For controversies in which my agency is involved in the future, I am confident that my agency will use a conflict assessment process.

- 14.** Please indicate your agreement with the following statements. **USE A “0” TO INDICATE “TOTALLY DISAGREE” AND A “10” TO INDICATE “TOTALLY AGREE”**

Rating

- \_\_\_\_\_ a) The U.S. Institute for Environmental Conflict Resolution (USIECR) will be my first call for assistance with any environmental controversies in which my agency was involved.
- \_\_\_\_\_ b) I am now familiar with the range of services that the USIECR can offer federal agencies involved in environmental controversy.

- 15.** Do you have any comments that you would like to add? If so, please use the space below and additional pages if you like. We are very interested in your thoughts and reflections on how these processes can be improved.

## PROGRAM EVALUATION SYSTEM

### CONFLICT ASSESSMENT: NEUTRAL – CONCLUSION OF PROCESS

THE U.S. INSTITUTE FOR ENVIRONMENTAL CONFLICT RESOLUTION EVALUATES ALL OF ITS PROJECTS AND CASES. YOU HAVE SERVED AS A NEUTRAL IN ONE OF THESE CONFLICT ASSESSMENT PROJECT AND THE INSTITUTE REQUESTS YOUR ASSISTANCE WITH THE EVALUATION. PLEASE COMPLETE THIS FORM AND SEND IT TO THE ADDRESS LIST AT THE END. DO NOT IDENTIFY INDIVIDUALS BY NAME IN THE INFORMATION YOU PROVIDE.

1. Your name \_\_\_\_\_
2. Name of project / case \_\_\_\_\_
3. Who is your primary USIECR contact for this project / case?  
\_\_\_\_\_
4. What was the recommendation regarding how to proceed with this controversy?  
**CHECK THE MOST APPROPRIATE BOX ONLY.**
  - ☐ Allow it to proceed through litigation or administrative proceedings.
  - ☐ Initiate a collaborative process to address the issues and move toward agreement.
  - ☐ Proceed with mediation to settle the dispute.
  - ☐ Do nothing.
  - ☐ Other (**PLEASE SPECIFY**) \_\_\_\_\_
5. Was the recommendation followed? **CHECK THE MOST APPROPRIATE BOX ONLY.**
  - ☐ Yes
  - ☐ No (**PLEASE EXPLAIN**)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  - ☐ Uncertain (**PLEASE SPECIFY**)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. If this project arose now, would you recommend undertaking a conflict assessment?
  - ☐ Yes
  - ☐ No – would not have undertaken a conflict assessment (**PLEASE EXPLAIN**)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. In hindsight, were you the right neutral for this assignment?

- ☐ Yes  
☐ Possibly not **(COMMENT BELOW)**  
☐ No **(COMMENT BELOW)**

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8. Please indicate your agreement with the following statements. **USE A “0” TO INDICATE “TOTALLY DISAGREE” AND A “10” TO INDICATE “TOTALLY AGREE”**

- \_\_\_\_\_ a) This controversy involves existing rights that cannot be negotiated or bargained.  
 \_\_\_\_\_ b) This controversy involves issues that are fundamental values to one or more parties.  
 \_\_\_\_\_ c) All of the issues in this controversy can be negotiated.  
 \_\_\_\_\_ d) All of the key parties to this controversy will be willing to negotiate on all issues.  
 \_\_\_\_\_ e) This is a very good time to engage in discussions with all of the key parties to this controversy.  
 \_\_\_\_\_ f) This controversy involves fundamental values that one or more parties cannot negotiate or bargain on.

9. Are any of the issues in this controversy currently in litigation, or likely to enter into litigation soon?

- ☐ Yes, one or more key issues are currently in litigation.  
☐ Yes, one or more key issues are likely to soon enter into litigation.  
☐ No

10. Are you aware of any other problems or barriers to addressing the controversy with the process that was selected?

- ☐ Yes  
☐ No **(GO TO 12)**

11. What are the barriers?

12. Please assess the overall success of the conflict assessment. **INDICATE YOUR AGREEMENT WITH THE STATEMENTS USING A “0” TO INDICATE “TOTALLY DISAGREE” AND A “10” TO INDICATE “TOTALLY AGREE”**

- \_\_\_\_\_ a) I am fully confident that every issue was sufficiently explored with the parties.  
 \_\_\_\_\_ b) I am fully confident that every issue was appropriately considered in the final recommendation.

- \_\_\_\_\_ c) I fully understood the relationships of the parties to one another.
- \_\_\_\_\_ d) The recommendation we have made respects the issues raised by all of the parties.
- \_\_\_\_\_ e) The recommendation we have made respects the relationships among the parties.
- \_\_\_\_\_ f) I am confident that we explored all of the alternatives.

**13. Please indicate your level of agreement about the gains from the process. INDICATE YOUR AGREEMENT WITH THE STATEMENTS USING A “0” TO INDICATE “TOTALLY DISAGREE” AND A “10” TO INDICATE “TOTALLY AGREE”**

Rating

- \_\_\_\_\_ a) I am confident that if the lead agency is involved in a future environmental controversy involving a federal agency, they will consult with the Institute on how to address the controversy.
- \_\_\_\_\_ b) I am confident that if the lead agency is involved in a controversy in the future they will consider using collaborative processes.
- \_\_\_\_\_ c) I am confident that if the lead agency is involved in a controversy in the future they will use a collaborative process.
- \_\_\_\_\_ d) The Institute is perceived by the lead agency as *the place to go* for help with an environmental controversy.
- \_\_\_\_\_ e) When I first started to work with the lead agency on this project they already had a full understanding of the contribution that collaborative processes can make to address controversies.
- \_\_\_\_\_ f) The lead agency now has a full understanding of the contribution that collaborative processes can make to address controversies.
- \_\_\_\_\_ g) The lead agency knows how to go about engaging a collaborative process for controversies in which it is engaged.
- \_\_\_\_\_ h) The lead agency will conduct a conflict assessment before deciding whether to engage in a collaborative process regarding a controversy.

**14. Do you have any comments that you would like to add? If so, please use the space below and additional pages if you like. We are very interested in your thoughts and reflections on how these processes can be improved.**

**15. PLEASE SEND COMPLETED FORM TO:**

Program Evaluation Manager  
 U.S. Institute for Environmental Conflict Resolution  
 110 S. Church Ave., Suite 3350  
 Tucson, AZ 85701

## PROGRAM EVALUATION SYSTEM

### CONFLICT ASSESSMENT: PROJECT MANAGER – CONCLUSION OF PROCESS

1. Name of project and PMD number  
\_\_\_\_\_
2. What was the recommendation regarding how to proceed with this controversy? **CHECK THE MOST APPROPRIATE BOX ONLY.**
  - ☐ Allow it to proceed through litigation or administrative proceedings
  - ☐ Initiate a collaborative process to address the issues and work toward agreement
  - ☐ Proceed with mediation to settle the dispute
  - ☐ Do nothing at this time
  - ☐ Other (**PLEASE SPECIFY**) \_\_\_\_\_
3. Was the recommendation followed? **CHECK THE MOST APPROPRIATE BOX ONLY.**
  - ☐ Yes
  - ☐ No (**PLEASE EXPLAIN**) \_\_\_\_\_
  - ☐ Uncertain (**PLEASE SPECIFY**) \_\_\_\_\_
4. List the parties that were included in the assessment.
  - a) \_\_\_\_\_ b) \_\_\_\_\_
  - c) \_\_\_\_\_ d) \_\_\_\_\_
  - e) \_\_\_\_\_ f) \_\_\_\_\_
  - g) \_\_\_\_\_ h) \_\_\_\_\_
5. List parties that were not included in the assessment, but who you now believe should have been included.
  - a) \_\_\_\_\_ b) \_\_\_\_\_
  - c) \_\_\_\_\_ d) \_\_\_\_\_
6. Who acted as the assessor for this case?
  - ☐ Outside neutral
  - ☐ Myself
  - ☐ Partnership between myself and an outside neutral
  - ☐ Other (**SPECIFY WHO**) \_\_\_\_\_
7. If an identical case arose again, would you use the same assessor?
  - ☐ Yes (**GO TO 9**)
  - ☐ No
8. Explain why you would not use this assessor.  
\_\_\_\_\_
9. How extensive was the conflict assessment? **CHECK ALL THAT APPLY.**
  - ☐ One round of telephone interviews with the key parties identified initially.
  - ☐ More than one round of telephone interviews with the key parties identified initially.
  - ☐ Telephone interviews with additional parties beyond those identified initially.

- ☐ Conference calls with groups of parties.
- ☐ In-person interviews with individual parties
- ☐ Meetings with groups of parties.

10. Was the conflict assessment effort appropriate to the needs of the case?

- ☐ Yes
- ☐ No

11. Please elaborate on your answer to the previous question.

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12. How complete is the recommendation concerning the process to be used in addressing the controversy? **INDICATE YOUR AGREEMENT WITH THE STATEMENTS USING A “0” TO INDICATE “TOTALLY DISAGREE” AND A “10” TO INDICATE “TOTALLY AGREE”**

Rating

- \_\_\_\_\_ a) I am confident that the issues of all stakeholders figured into the recommendation.
- \_\_\_\_\_ b) I am confident that the relationships among stakeholders figured into the recommendation.
- \_\_\_\_\_ c) The process that has been recommended seems to be the possible best for this controversy.
- \_\_\_\_\_ d) I am confident that all visible alternatives were identified and fully considered.

13. Please indicate your agreement with the following statements. **“0” TO INDICATE “TOTALLY DISAGREE” AND A “10” TO INDICATE “TOTALLY AGREE”**

Rating

- \_\_\_\_\_ a) This controversy involves existing rights that cannot be negotiated or bargained.
- \_\_\_\_\_ b) This controversy involves issues that are fundamental values to one or more parties.
- \_\_\_\_\_ c) All of the issues in this controversy can be negotiated.
- \_\_\_\_\_ d) All of the key parties to this controversy will be willing to negotiate on all issues.
- \_\_\_\_\_ e) This is a very good time to engage in discussions with all of the key parties to this controversy.
- \_\_\_\_\_ f) This controversy involves fundamental values that one or more parties cannot negotiate or bargain on.

14. Are any of the issues in this controversy currently in litigation, or likely to enter into litigation soon?

- ☐ Yes, one or more key issues are currently in litigation.  
☐ Yes, one or more key issues are likely to soon enter into litigation.  
☐ No

15. Are you aware of any other problems or barriers to addressing or resolving the controversy with the process that was selected?

- ☐ Yes  
☐ No (GO TO 17)

16. What are the barriers?

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17. Please indicate your level of agreement about the other gains from the process. **INDICATE YOUR AGREEMENT WITH THE STATEMENTS USING A “0” TO INDICATE “TOTALLY DISAGREE” AND A “10” TO INDICATE “TOTALLY AGREE”**

Rating

- \_\_\_\_\_ a) I am confident that if the initiating agency is involved in another environmental controversy they will consult with the Institute on how to address the controversy.
- \_\_\_\_\_ b) I am confident that if the initiating agency is involved in a controversy in the future they will consider using collaborative processes.
- \_\_\_\_\_ c) I am confident that if the initiating agency is involved in a controversy in the future they will use a collaborative process.
- \_\_\_\_\_ d) The Institute is perceived by the initiating agency as *the place to go* for help with an environmental controversy.
- \_\_\_\_\_ e) Our contact at the initiating agency now has the knowledge **and** is fully aware of when collaborative processes can be useful for addressing a controversy.
- \_\_\_\_\_ f) The initiating agency now has the knowledge **and** is fully aware of when collaborative process can be useful for addressing a controversy.

18. Do you have any comments that you would like to add? If so, please use the space below and additional pages if you like. We are very interested in your thoughts and reflections on how these processes can be improved.



## **APPENDIX B: ECR PROCESS INSTRUMENTS**

- Parties – Conclusion of Process
- Parties – Follow-Up to Process
- Parties' Attorneys – Conclusion of Process (Mediation Only)
- Neutrals – Conclusion of Process
- Neutrals – Conclusion of Process – Case Summary
- Project Manager – Conclusion of Process

## PROGRAM EVALUATION SYSTEM

### ECR: PARTIES – CONCLUSION OF PROCESS

THE U.S. INSTITUTE FOR ENVIRONMENTAL CONFLICT RESOLUTION EVALUATES ALL OF ITS PROJECTS AND CASES. AS PART OF THIS EVALUATION WE ASK THE VARIOUS PARTIES WHO HAVE BEEN INVOLVED IN AN INSTITUTE PROJECT OR CASE TO PROVIDE US WITH INFORMATION ABOUT THEIR EXPERIENCE. BECAUSE YOU WERE A PARTY OR THE REPRESENTATIVE OF A PARTY OR AN INTEREST IN THE CASE IDENTIFIED BELOW, WE ASK THAT YOU COMPLETE THIS QUESTIONNAIRE.

THIS FORM HAS AN IDENTIFYING NUMBER SO THAT WE CAN TRACK WHO HAS RESPONDED. INFORMATION FROM THIS EVALUATION WILL NOT BE REPORTED IN A WAY THAT INDIVIDUALS OR ORGANIZATIONS CAN BE IDENTIFIED.

WE ASK FOR YOUR COOPERATION WITH THIS EFFORT TO GAIN INFORMATION ESSENTIAL TO OUR ONGOING EFFORT TO IMPROVE OUR SERVICES.

Case: \_\_\_\_\_

1. Which category best describes you with respect to your participation in this case? **CHECK THE MOST APPROPRIATE BOX ONLY.**

- ☐ Elected official  
☐ Representative of a governmental agency  
☐ Representative of a Native American tribe  
☐ Representative of a non-governmental organization  
☐ Individual representing himself/herself

2. To the best of your knowledge when did this controversy begin to be an issue for you or your organization?

Month \_\_\_\_\_ Year \_\_\_\_\_

3. When did the organization or interest you represent become involved in the controversy?

Month \_\_\_\_\_ Year \_\_\_\_\_

4. What was the total number of months during which you were engaged in working on resolving the project or controversy using this process?

Number of months \_\_\_\_\_

5. To what extent have you had previous experience with the following processes? **PLEASE RATE YOUR PREVIOUS EXPERIENCE WITH EACH OF THE PROCESSES LISTED BELOW USING A SCALE WHERE “0” INDICATES “NO EXPERIENCE AT ALL” AND A “10” INDICATES “I COULD LEAD THE PROCESS”**

Rating

- \_\_\_\_\_ a) Negotiation  
 \_\_\_\_\_ b) Mediation

- \_\_\_\_\_ c) Facilitation
- \_\_\_\_\_ d) Judicial settlement conference
- \_\_\_\_\_ e) Public participation
- \_\_\_\_\_ f) Litigation
- \_\_\_\_\_ g) Rule making
- \_\_\_\_\_ h) Arbitration
- \_\_\_\_\_ i) Administrative Proceedings (i.e. agency appeals process, contested case hearing, agency order)

6. Please rate the following statements about the project or controversy. **USE A SCALE WHERE “0” INDICATES “TOTALLY DISAGREE” AND A “10” INDICATES “TOTALLY AGREE”**

Rating

- \_\_\_\_\_ a) We could not have progressed as far as we did using any other process of which I am aware.
- \_\_\_\_\_ b) If I were involved in a similar controversy I would be happy to work with the same neutral.
- \_\_\_\_\_ c) I am now clear about the core of my disagreement with the other parties in this controversy.
- \_\_\_\_\_ d) My first choice would be to use this process again for similar situations.
- \_\_\_\_\_ e) I would recommend this process to others in a similar situation without hesitation.

7. Please assess the extent to which the key parties (individuals and representatives of groups) were engaged in the collaborative process. **INDICATE YOUR AGREEMENT WITH THE STATEMENTS USING A SCALE WHERE “0” INDICATES “TOTALLY DISAGREE” AND A “10” INDICATES “TOTALLY AGREE”**

Rating

- \_\_\_\_\_ a) All of the parties that were needed were part of the process from the start.
- \_\_\_\_\_ b) All of the parties were fully engaged in the process.
- \_\_\_\_\_ c) All of the parties (individuals and representatives of groups) participating in the process had the authority to accept or reject an agreement.
- \_\_\_\_\_ d) At no time did one of the parties dominate to the detriment of the process or others.
- \_\_\_\_\_ e) All of the parties that were needed continued to be engaged so long as their involvement was necessary.
- \_\_\_\_\_ f) Representatives of groups kept their members / constituents informed during the process.

8. Please assess the overall process used. **INDICATE YOUR AGREEMENT WITH THE STATEMENTS USING A SCALE WHERE “0” INDICATES “TOTALLY DISAGREE” AND A “10” INDICATES “TOTALLY AGREE”**

Rating

- \_\_\_\_\_ a) I felt comfortable speaking candidly about our real interests.
- \_\_\_\_\_ b) When we started I felt that there was a reasonable chance of resolving the controversy using this approach.
- \_\_\_\_\_ c) All of the parties were sufficiently flexible on all the key issues.

- \_\_\_\_\_ f) I now feel much more comfortable discussing our disagreements with the other parties in this controversy.
- \_\_\_\_\_ d) We always had trouble scheduling meetings with other parties.
- \_\_\_\_\_ e) The costs of participating in the process turned out to be higher than we could afford.
- \_\_\_\_\_ f) The time required for us to engage fully in the process exceeded our capacity.
- \_\_\_\_\_ g) The skills we have did not match what was required for us to fully engage in the process.
- \_\_\_\_\_ h) The process was confusing.
- \_\_\_\_\_ i) It was not clear what was expected of us in this process.

**9. Please tell us how well the neutral(s) (facilitator(s) or mediator(s)) helped the parties engage in the process. INDICATE YOUR AGREEMENT WITH THE STATEMENTS USING A SCALE WHERE “0” INDICATES “TOTALLY DISAGREE” AND A “10” INDICATES “TOTALLY AGREE”**

Rating

- \_\_\_\_\_ a) The neutral always understood the issues being discussed.
- \_\_\_\_\_ b) The parties followed the direction of the neutral.
- \_\_\_\_\_ c) We did not have a problem finding convenient times to meet with the neutral.
- \_\_\_\_\_ d) The neutral was accessible to help with emerging issues and problems.
- \_\_\_\_\_ e) The neutral understood our concerns.
- \_\_\_\_\_ f) The neutral made sure that the concerns of all parties were heard.
- \_\_\_\_\_ g) The neutral made sure that the concerns of all parties were addressed.
- \_\_\_\_\_ h) The neutral helped us manage our time well.
- \_\_\_\_\_ i) The neutral made sure that we all had a *roadmap* of where we were going with the process.
- \_\_\_\_\_ j) The neutral succeeded in ensuring that all parties were fully engaged in the process.
- \_\_\_\_\_ k) When things got tense the neutral was always able to help us find ways to move ahead constructively.

- 10. What is your level of satisfaction with the process? INDICATE YOUR AGREEMENT WITH THE STATEMENTS USING A SCALE WHERE “0” INDICATES “TOTALLY DISAGREE” AND A “10” INDICATES “TOTALLY AGREE”**

Rating

- \_\_\_\_\_ a) Overall, I am very satisfied with the process.
- \_\_\_\_\_ b) I was very satisfied with the services provided by the neutral.
- \_\_\_\_\_ c) I was very satisfied with the way that the parties were able to work together.
- \_\_\_\_\_ d) I was very satisfied that all of the key affected interests were represented.
- \_\_\_\_\_ e) I was very satisfied that we addressed all of the key issues.
- \_\_\_\_\_ f) I was very satisfied that we fully explored the interests of all key parties in this controversy.
- \_\_\_\_\_ g) I was very satisfied with the options we developed for reaching an agreement.
- \_\_\_\_\_ h) I was very satisfied with the process we used to develop and finalize the agreement.

- 11. How well are you now able to work with the other parties who participated in this process? INDICATE YOUR AGREEMENT WITH THE STATEMENTS USING A SCALE WHERE “0” INDICATES “TOTALLY DISAGREE” AND A “10” INDICATES “TOTALLY AGREE”**

**PLEASE NOTE THAT THIS QUESTION APPLIES TO YOUR CURRENT RELATIONSHIP WITH THE OTHER PARTIES IN THE DISPUTE.**

Rating

- \_\_\_\_\_ a) I can now meet with all of the other parties to discuss issues of concern.
- \_\_\_\_\_ b) I can now resolve significant problems with the other parties without needing the assistance of a third party neutral.
- \_\_\_\_\_ c) I can now work productively with all of the parties on other controversial issues.
- \_\_\_\_\_ d) I can better communicate my concerns in a way that is more likely to lead to resolution of the issues.

- 12. What are some of the gains from participating in this process? INDICATE YOUR AGREEMENT WITH THE STATEMENTS USING A SCALE WHERE “0” INDICATES “TOTALLY DISAGREE” AND A “10” INDICATES “TOTALLY AGREE”**

Rating

- \_\_\_\_\_ a) In comparison with my experience before the process, I am better able to address significant issues before they escalate.
- \_\_\_\_\_ b) I am better able to address issues closer to the point at which they arise than I was before the process.
- \_\_\_\_\_ c) In comparison with my experience before the process, I can work much more productively with other parties on issues where I have disagreements.
- \_\_\_\_\_ d) I am much better at managing conflicts with parties with whom I have consistently had disagreements than I was before the process.
- \_\_\_\_\_ e) In comparison with my experience before the process, I can better communicate my needs and concerns in a way that does not cause others to be defensive.

\_\_\_\_\_ f) In the future I am more likely to know when a collaborative process can help us reach agreements or resolve controversies or disputes.

13. Have you previously been engaged in a process that you would regard as similar to this one where you had a similar role?

☐ Yes

☐ No (GO TO 17)

14. Can you briefly describe that other process and tell us when it occurred?

15. How would you compare that other process to the current one? **INDICATE YOUR AGREEMENT WITH THE STATEMENTS USING A SCALE WHERE “0” INDICATES “TOTALLY DISAGREE” AND A “10” INDICATES “TOTALLY AGREE”**

Rating

- \_\_\_\_\_ a) The current controversy required much more time from my organization.  
 \_\_\_\_\_ b) The collaborative process for the current controversy cost a lot more than the other process.  
 \_\_\_\_\_ c) The current controversy is much more important to my organization.  
 \_\_\_\_\_ d) The other controversy cost a lot more to implement.  
 \_\_\_\_\_ e) I think that the agreement for the current controversy will prove more durable.

16. What progress did you make in the process in reaching agreement on the issues in controversy? **INDICATE YOUR AGREEMENT WITH THE STATEMENTS USING A SCALE WHERE “0” INDICATES “TOTALLY DISAGREE” AND A “10” INDICATES “TOTALLY AGREE”**

Rating

- \_\_\_\_\_ a) We were able to reduce the total number of issues we started with to a small number of differences.  
 \_\_\_\_\_ b) We were able to separate substantive differences from differences that had more to do with factors such as communications style and personality.  
 \_\_\_\_\_ c) We were able to identify the key differences that had to be addressed if the controversy was to be resolved.  
 \_\_\_\_\_ d) When we came close to an agreement, signing was delayed.  
 \_\_\_\_\_ e) When we came close to an agreement, signing was prevented because some parties had not sufficiently consulted their organization / constituent group.

17. What is the current status of the process in which you were involved? **CHECK THE MOST APPROPRIATE BOX ONLY. "AGREEMENT" INCLUDES COLLABORATIVE DECISIONS IN THE FORM OF PLANS, PROPOSALS, RECOMMENDATIONS OR SIGNED FORMAL AGREEMENTS TO, FOR EXAMPLE, SETTLE A DISPUTE.**

- ☐ Given up without much progress. **(GO TO 20)**  
☐ We are finished for now, but we continue to work on our differences. **(GO TO 20)**  
☐ We failed to reach a satisfactory agreement and are going to court. **(GO TO 20)**  
☐ We have reached an agreement but the final decision makers have yet to sign.  
☐ Everyone has signed the agreement, but we have not yet started to implement it.  
☐ Everyone has signed the agreement, and we are in the process of implementing it.  
☐ Everyone has signed the agreement, and it has been implemented as agreed.  
☐ Everyone has signed the agreement, and it has been implemented with agreed changes.

18. What is your assessment of the agreement that was reached? **INDICATE YOUR LEVEL OF CONCURRENCE WITH THE STATEMENTS USING A SCALE WHERE "0" INDICATES, "TOTALLY DISAGREE" AND A "10" INDICATES "TOTALLY AGREE."**  
**PLEASE RECALL THAT IN THE STATEMENTS "AGREEMENT" INCLUDES COLLABORATIVE DECISIONS IN THE FORM OF PLANS, PROPOSALS, RECOMMENDATIONS OR SIGNED FORMAL AGREEMENTS.**

Rating

- \_\_\_\_\_ a) Our agreement has sufficient flexibility to sustain future changes in underlying conditions.  
 \_\_\_\_\_ b) Our agreement addresses all of the difficult issues and differences.  
 \_\_\_\_\_ c) In our agreement nothing was left unresolved.  
 \_\_\_\_\_ d) Our agreement includes responsibilities and roles for implementation.  
 \_\_\_\_\_ e) I am confident that all the parties have a similar understanding of key terms in the agreement.

19. What is your forecast of the durability of the agreement that was reached? **INDICATE YOUR AGREEMENT WITH THE STATEMENTS USING A SCALE WHERE "0" INDICATES "TOTALLY DISAGREE" AND A "10" INDICATES "TOTALLY AGREE"**

**PLEASE RECALL THAT IN THE STATEMENTS "AGREEMENT" INCLUDES COLLABORATIVE DECISIONS IN THE FORM OF PLANS, PROPOSALS, RECOMMENDATIONS OR SIGNED FORMAL AGREEMENTS TO, FOR EXAMPLE, SETTLE A DISPUTE.**

Rating

- \_\_\_\_\_ a) I expect the agreement to be implemented fully.  
 \_\_\_\_\_ b) I expect that this controversy is over and I will not have to deal with it again.  
 \_\_\_\_\_ c) I expect to be dealing with this controversy again but with the agreement in place it will not be difficult to resolve issues.

20. How satisfied were you with the agreement? **INDICATE YOUR AGREEMENT WITH THE STATEMENTS USING A SCALE WHERE “0” INDICATES “TOTALLY DISAGREE” AND A “10” INDICATES “TOTALLY AGREE”**

**PLEASE RECALL THAT IN THE STATEMENTS “AGREEMENT” INCLUDES COLLABORATIVE DECISIONS IN THE FORM OF PLANS, PROPOSALS, RECOMMENDATIONS OR SIGNED FORMAL AGREEMENTS TO, FOR EXAMPLE, SETTLE A DISPUTE.**

Rating

- \_\_\_\_\_ a) I felt that the agreement did not take sufficient account of our issues.  
\_\_\_\_\_ b) I do not feel that the agreement can be implemented.  
\_\_\_\_\_ c) I am confident that the parties have built a strong enough relationship with each other to ensure that the agreement will last.

21. Were there any other benefits to you or your organization from participating in the process other than those benefits suggested in several earlier questions? **PLEASE LIST ANY IN THE SPACE BELOW.**

22. What is your best estimate of how many hours you spent personally? **YOU MIGHT WANT TO CONSULT TIME SHEETS, A DAY PLANNER OR SOME OTHER SOURCE IF YOU ARE NOT CONFIDENT ABOUT YOUR RECALL OF THE TIME YOU HAVE SPENT.**

\_\_\_\_\_ directly on the collaborative process (meetings and follow-up activities)  
\_\_\_\_\_ preparing for the process

23. What is your best estimate of how many hours other senior people in your organization spent? **YOU MIGHT WANT TO CONSULT OTHERS AND ASK THEM TO CHECK TIME SHEETS, A DAY PLANNER OR SOME OTHER SOURCE IF THEY ARE NOT CONFIDENT ABOUT THEIR RECALL OF THE TIME THEY SPENT.**

\_\_\_\_\_ directly on the collaborative process (meetings and follow-up activities)  
\_\_\_\_\_ preparing for the process

24. What is your best estimate of how many hours support staff in your organization spent? **YOU MIGHT WANT TO CONSULT OTHERS AND ASK THEM TO CHECK TIME SHEETS, A DAY PLANNER OR SOME OTHER SOURCE IF THEY ARE NOT CONFIDENT ABOUT THEIR RECALL OF THE TIME THEY SPENT.**

\_\_\_\_\_ directly on the collaborative process (meetings and follow-up activities)  
\_\_\_\_\_ preparing for the process



25. If volunteers were involved in the process, what is your best estimate of how many hours they spent? **DO NOT INCLUDE TIME ALREADY ESTIMATED FOR QUESTIONS 21, 22 OR 23. YOU MIGHT WANT TO ASK THE VOLUNTEERS TO CONSULT TIME SHEETS, A DAY PLANNER OR SOME OTHER SOURCE IF THEY ARE NOT CONFIDENT ABOUT THEIR RECALL OF THE TIME THEY SPENT. IF VOLUNTEERS WERE NOT INVOLVED PLEASE INDICATE WITH NA.**

\_\_\_\_\_ directly on the collaborative process (meetings and follow-up activities)  
 \_\_\_\_\_ preparing for the process

26. What is the best estimate of your organization's dollar costs, in addition to the value of individuals' time? **PLEASE COMPLETE THE TABLE BELOW FOR THE PERIOD DURING WHICH YOU WERE INVOLVED IN THE PROCESS. INCLUDE COSTS INCURRED DURING THE PROCESS AND OTHER COSTS INCURRED TO PREPARE FOR THE PROCESS, SUCH AS COSTS FOR MEETING WITH OTHERS IN YOUR ORGANIZATION, ETC. PLEASE USE NA FOR COST CATEGORIES THAT DO NOT APPLY.**

Category	Estimated costs
Any payment made as part of the agreement	
Attorneys and other legal costs	
Technical assistance and advice	
Contribution towards the services of the neutral	
Room or facilities rental, catering for meetings, etc.	
Accommodation and meals for travel	
Travel	
Expenses to assist volunteers to participate in the process	
Other (PLEASE SPECIFY)	
Other (PLEASE SPECIFY)	

27. Please rate the quality of the information you had available to you in the following categories. **INDICATE YOUR ASSESSMENT OF THE QUALITY OF EACH TYPE OF INFORMATION USING A SCALE WHERE "0" INDICATES "THE QUALITY OF THE INFORMATION WAS TOTALLY INADEQUATE FOR OUR NEEDS," AND A "10" INDICATES, "WE HAD THE BEST INFORMATION AVAILABLE." IF YOUR CASE DID NOT REQUIRE ONE OR MORE OF THE TYPES OF INFORMATION, PLEASE INDICATE WITH "NA".**

\_\_\_\_\_ Quality of scientific information (GO TO 29)  
 \_\_\_\_\_ Quality of legal information (GO TO 29)  
 \_\_\_\_\_ Quality of economic information (GO TO 29)  
 \_\_\_\_\_ Quality of other information (GO TO 28)

28. What was the other information that you referred to in the previous question?

- 29.** Do you have any comments that you would like to add? If so, please use the space below and additional pages if you like. We are very interested in your thoughts and reflections on how these processes can be improved.

## PROGRAM EVALUATION SYSTEM

### ECR: PARTIES – FOLLOW-UP TO PROCESS

FOLLOWING COMPLETION OF THE COLLABORATIVE PROCESS TO ADDRESS THE CASE NAMED BELOW YOU COMPLETED A QUESTIONNAIRE FOR THE U.S. INSTITUTE FOR ENVIRONMENTAL CONFLICT RESOLUTION. AT THAT TIME WE INDICATED YOU WOULD BE ASKED TO COMPLETE A SECOND QUESTIONNAIRE AT A LATER DATE SO THAT WE COULD GAIN LONGER TERM INFORMATION ABOUT THE PROCESS AND CASE. IT IS IMPORTANT WE RECEIVE INPUT FROM ALL PARTIES SO WE HAVE RELIABLE INFORMATION TO ASSIST US IN IMPROVING OUR SERVICES.

THIS FORM HAS AN IDENTIFYING NUMBER SO WE CAN TRACK WHO HAS RESPONDED. INFORMATION FROM THIS EVALUATION WILL NOT BE REPORTED IN A WAY THAT INDIVIDUALS OR ORGANIZATIONS CAN BE IDENTIFIED.

WE ASK FOR YOUR COOPERATION WITH THIS EFFORT TO GAIN INFORMATION ESSENTIAL TO OUR ONGOING EFFORT TO IMPROVE OUR SERVICES.

Case: \_\_\_\_\_

1. What is your level of satisfaction with the process? **INDICATE YOUR AGREEMENT WITH THE STATEMENTS USING A SCALE WHERE “0” INDICATES, “TOTALLY DISAGREE” AND A “10” INDICATES “TOTALLY AGREE”**

Rating

- \_\_\_\_\_ a) Overall, I am very satisfied with the process.
- \_\_\_\_\_ b) I was very satisfied that we addressed all of the key issues.
- \_\_\_\_\_ c) I was very satisfied that we fully explored the interests of all key parties in this controversy.
- \_\_\_\_\_ d) I was very satisfied with the options we developed for reaching an agreement.

2. Are you now better able to work with the other parties who participated in this process? **INDICATE YOUR AGREEMENT WITH THE STATEMENTS USING A SCALE WHERE “0” INDICATES, “TOTALLY DISAGREE” AND A “10” INDICATES “TOTALLY AGREE”.**

**PLEASE NOTE THAT THIS QUESTION APPLIES TO YOUR CURRENT RELATIONSHIP WITH THE OTHER PARTIES IN THE DISPUTE.**

Rating

- \_\_\_\_\_ a) I can now meet with the other parties to discuss issues of concern.
- \_\_\_\_\_ b) I can now resolve significant problems with the other parties without needing the assistance of a third party.
- \_\_\_\_\_ c) I can now work more productively with some of the parties on other controversial issues.
- \_\_\_\_\_ d) I can better communicate my concerns in a way that is more likely to lead to resolution of the issues.
- \_\_\_\_\_ e) I have no opportunity to communicate or work with the other parties.

3. How would you describe, how the process has affected how you now work with other parties who were involved in the controversy? Please illustrate with examples where possible.
4. What are some of the gains from participating in this process? **INDICATE YOUR AGREEMENT WITH THE STATEMENTS USING A SCALE WHERE “0” INDICATES, “TOTALLY DISAGREE” AND A “10” INDICATES “TOTALLY AGREE”**

Rating

- \_\_\_\_\_ a) In comparison with my experience before this process I am better able to address significant issues before they become controversial.
- \_\_\_\_\_ b) In comparison with my experience before this process I am more likely to use collaborative processes in the future.
- \_\_\_\_\_ c) I am now able to address issues closer to the point where they arise compared to before my experience with the process.
- \_\_\_\_\_ d) In comparison with my experience before this process I can work much more productively with other parties on issues where I have disagreements.
- \_\_\_\_\_ e) In comparison with my experience before this process I am much better at managing conflicts with parties with whom I have consistently had disagreements.
- \_\_\_\_\_ f) In comparison with my experience before this I can now communicate my needs and concerns in a way that does not cause others to be defensive.
- \_\_\_\_\_ g) In the future I am more likely to know when a collaborative process can help us resolve controversies or disputes.

5. What is the current status of the controversy? **CHECK THE MOST APPROPRIATE BOX ONLY. “AGREEMENT” INCLUDES COLLABORATIVE DECISIONS IN THE FORM OF PLANS, PROPOSALS, RECOMMENDATIONS OR FORMAL AGREEMENTS TO SETTLE A DISPUTE.**

- ☐ We have implemented the agreement that we developed.
- ☐ We are actively involved in implementing the agreement that we developed.
- ☐ We do not have an agreement with the other parties, but the controversy is no longer an issue for us.
- ☐ We reached an agreement but the final decision makers have not yet signed it.
- ☐ We reached an agreement but some or all of the final decision makers would not sign it. **(GO TO 10)**
- ☐ The parties have consensus on most of the issues including the most challenging, but are still working on concluding the full agreement. **(GO TO 10)**
- ☐ We continue to work with some of the other parties to resolve the dispute. **(GO TO 10)**
- ☐ We are no longer seriously working with the other parties to resolve the dispute and the dispute is still an important issue for us. **(GO TO 10)**

6. What is your assessment of the agreement that was reached? **INDICATE YOUR LEVEL OF CONCURRENCE WITH THE STATEMENTS USING A SCALE WHERE “0” INDICATES “TOTALLY DISAGREE” AND A “10” INDICATES “TOTALLY AGREE”**  
**PLEASE RECALL THAT IN THE STATEMENTS “AGREEMENT” INCLUDES COLLABORATIVE DECISIONS IN THE FORM OF PLANS, PROPOSALS, RECOMMENDATIONS OR SIGNED FORMAL AGREEMENTS.**

Rating

- \_\_\_\_\_ a) Our agreement was sufficiently flexible to sustain changes in underlying conditions.  
\_\_\_\_\_ b) Our agreement included all of the hard issues.  
\_\_\_\_\_ c) In our agreement nothing was left unresolved.  
\_\_\_\_\_ d) I am confident that all the parties had the same understanding of key terms in the agreement.

7. What is your forecast of the future durability of the agreement that was reached? **INDICATE YOUR AGREEMENT WITH THE STATEMENTS USING A SCALE WHERE “0” INDICATES, “TOTALLY DISAGREE” AND A “10” INDICATES “TOTALLY AGREE”**

**PLEASE RECALL THAT IN THE STATEMENTS “AGREEMENT” INCLUDES COLLABORATIVE DECISIONS IN THE FORM OF PLANS, PROPOSALS, RECOMMENDATIONS OR FORMAL AGREEMENTS TO SETTLE A DISPUTE.**

Rating

- \_\_\_\_\_ a) I expect the agreement to be implemented fully.  
\_\_\_\_\_ b) I expect that this controversy is over and I will not have to deal with it again.  
\_\_\_\_\_ c) I expect to be dealing with this controversy again but with the agreement in place it will not be difficult to resolve issues.

8. How satisfied were you with the agreement? **INDICATE YOUR AGREEMENT WITH THE STATEMENTS USING A SCALE WHERE “0” INDICATES, “TOTALLY DISAGREE” AND A “10” INDICATES “TOTALLY AGREE”**

**PLEASE RECALL THAT IN THE STATEMENTS “AGREEMENT” INCLUDES COLLABORATIVE DECISIONS IN THE FORM OF PLANS, PROPOSALS, RECOMMENDATIONS OR FORMAL AGREEMENTS TO SETTLE A DISPUTE.**

Rating

- \_\_\_\_\_ a) I felt that the agreement did not take sufficient account of our issues.  
\_\_\_\_\_ b) I do not feel that the agreement can be implemented.  
\_\_\_\_\_ c) I am confident that the parties have built a strong enough relationship with each other to ensure that the agreement will last.

9. In a typical week since you completed the previous questionnaire, what is your best estimate of how many hours you spend on the controversy:  
\_\_\_\_\_ Number of hours

10. In a typical week since you completed the previous questionnaire, what is your best estimate of how many hours other senior staff spend on the controversy:  
 \_\_\_\_\_ Number of hours
11. In a typical week since you completed the previous questionnaire, what is your best estimate of how many hours support staff spend on the controversy:  
 \_\_\_\_\_ Number of hours
12. What is your best estimate of what your organization has spent on the controversy since you completed the previous questionnaire, in addition to individual's time? **PLEASE CONSIDER COSTS SUCH AS FOR ATTORNEYS AND TECHNICAL ASSISTANCE, AS WELL COSTS SUCH AS FOR MEETINGS (TRAVEL, ACCOMMODATIONS, MEETING ROOMS AND CATERING, ETC.) AND ANY OTHER COSTS THAT YOU HAVE INCURRED. PLEASE USE NA FOR COST CATEGORIES THAT DO NOT APPLY.**

Category	Estimated costs
Any payments made as part of the agreement	
Attorneys and other legal costs	
Technical assistance and advice	
Contribution towards the services of the neutral	
Room or facilities rental, catering for meetings, etc.	
Accommodation and meals for travel	
Travel	
Expenses to assist volunteers to participate in the process	
Other (PLEASE SPECIFY)	
Other (PLEASE SPECIFY)	

13. We are very interested in your views on the contribution of the collaborative process. We are interested in any comments you have. It would be of considerable benefit if you could describe how the collaborative process has affected the efficiency and effectiveness of your organization.

## PROGRAM EVALUATION SYSTEM

### ECR: PARTIES' ATTORNEYS – CONCLUSION OF PROCESS (MEDIATION ONLY)

THE U.S. INSTITUTE FOR ENVIRONMENTAL CONFLICT RESOLUTION EVALUATES ALL OF ITS PROJECTS AND CASES. AS PART OF THIS EVALUATION WE ASK THE VARIOUS PARTIES WHO HAVE BEEN INVOLVED IN AN INSTITUTE PROJECT OR CASE TO PROVIDE US WITH INFORMATION ABOUT THEIR EXPERIENCE. BECAUSE YOU REPRESENTED A PARTY OR AN INTEREST IN THE CASE IDENTIFIED BELOW, WE ASK THAT YOU COMPLETE THIS QUESTIONNAIRE.

THIS FORM HAS AN IDENTIFYING NUMBER SO WE CAN TRACK WHO HAS RESPONDED. INFORMATION FROM THIS EVALUATION WILL NOT BE REPORTED IN A WAY THAT INDIVIDUALS OR ORGANIZATIONS CAN BE IDENTIFIED.

WE ASK FOR YOUR COOPERATION WITH THIS EFFORT TO GAIN INFORMATION ESSENTIAL TO OUR ONGOING EFFORT TO IMPROVE OUR SERVICES.

Case: \_\_\_\_\_

1. When did the organization or interest you represent become involved in the controversy?  
\_\_\_\_\_ Month  
\_\_\_\_\_ Year
2. When was litigation filed in the case?  
\_\_\_\_\_ Month  
\_\_\_\_\_ Year
3. When did the organization or interest you represent begin involvement in the mediation project?  
\_\_\_\_\_ Month  
\_\_\_\_\_ Year
4. At what stage in the litigation did the case enter mediation?  
**CHECK ONE ONLY**  
  - Pre-litigation
  - During discovery
  - After briefing but before trial
  - After trial

5. What is your previous experience with the processes listed below? Please indicate the number of cases in which you have been involved for each process. Mark "NA" if you are not sure if you have had experience with the process.
- \_\_\_\_\_ Facilitation or consensus building  
 \_\_\_\_\_ Rule-making  
 \_\_\_\_\_ Public participation  
 \_\_\_\_\_ Arbitration  
 \_\_\_\_\_ Mediation  
 \_\_\_\_\_ Administrative proceedings  
 \_\_\_\_\_ Mediation of non-environmental cases  
 \_\_\_\_\_ Judicial settlement conference
6. How many environmental mediations have you been involved in previous to this case?  
 \_\_\_\_\_ Number of cases
7. How would you rate the difficulty of mediating this case compared to other cases you have mediated? **PLEASE USE A SCALE FROM "0" TO "10" WHERE "0" REPRESENTS "THIS IS THE LEAST CHALLENGING OF ALL MY PREVIOUS CASES" AND A "10" INDICATES, "THIS IS THE MOST CHALLENGING OF ALL MY PREVIOUS CASES."**  
 \_\_\_\_\_ Rating
8. Was this mediation court-ordered?  
☐ Yes (**GO TO 11**)  
☐ No
9. Did you encourage your client to go into mediation?  
☐ Yes  
☐ No (**GO TO 11**)
10. Which of the following statements describe factors involved in your advice to mediate? **RATE EACH RESPONSE USING A SCALE WHERE "0" INDICATES "NOT IMPORTANT AT ALL" AND A "10" INDICATES A "CRITICALLY IMPORTANT FACTOR"**
- \_\_\_\_\_ Client had a better chance of getting what he or she wanted in mediation than in litigation.  
 \_\_\_\_\_ The mediation process could improve the client's relationship with the other party/parties.  
 \_\_\_\_\_ Mediation could be cheaper than litigation.  
 \_\_\_\_\_ Mediation could take less time than litigation.  
 \_\_\_\_\_ Previous success using mediation.  
 \_\_\_\_\_ There was a reasonable chance of resolving the controversy using mediation.  
 \_\_\_\_\_ Legal precedent could not be set with mediation.  
 \_\_\_\_\_ Mediation is confidential.  
 \_\_\_\_\_ My client wanted to try mediation.  
 \_\_\_\_\_ Other (**PLEASE SPECIFY**) \_\_\_\_\_



11. Did you assist your client with the selection of the mediator?
12. Which of the following factors influenced the choice of mediators? **RATE EACH OF THE FOLLOWING POSSIBLE FACTORS USING A SCALE WHERE “0” INDICATES “NOT A FACTOR AT ALL IN THE DECISION” AND A “10” INDICATES “A VERY STRONG FACTOR IN THE DECISION.”**
- \_\_\_\_\_ The mediator had legal expertise relevant to the case.
- \_\_\_\_\_ The mediator had technical expertise relevant to the case.
- \_\_\_\_\_ The mediator’s training was impressive.
- \_\_\_\_\_ The mediator’s experience was impressive.
- \_\_\_\_\_ I liked the mediator’s style or personality.
- \_\_\_\_\_ The mediator’s overall reputation was impressive.
- \_\_\_\_\_ I knew the mediator.
- \_\_\_\_\_ Other (PLEASE SPECIFY) \_\_\_\_\_
13. Please assess the key parties’ participation in the mediation process. **INDICATE YOUR AGREEMENT WITH THE STATEMENTS USING A SCALE WHERE “0” INDICATES, “TOTALLY DISAGREE” AND A “10” INDICATES “TOTALLY AGREE”**
- \_\_\_\_\_ All of the parties that were needed were part of the mediation process from the start to the finish.
- \_\_\_\_\_ All of the parties were fully engaged in the process and listened to all participants’ views.
- \_\_\_\_\_ All of the parties were sufficiently flexible on all the key issues.
- \_\_\_\_\_ At no time did one of the parties dominate to the detriment of the process or others.
- \_\_\_\_\_ My client felt comfortable speaking candidly about his/her real interests.
14. Please tell us how well the neutral(s) (facilitator(s) or mediator(s)) helped the parties engage in the process. **INDICATE YOUR AGREEMENT WITH THE STATEMENTS USING A SCALE WHERE “0” INDICATES, “TOTALLY DISAGREE” AND A “10” INDICATES “TOTALLY AGREE”**

## Rating

- \_\_\_\_\_ a) The mediation helped parties open up a wider range of options than traditional litigation.
- \_\_\_\_\_ b) The mediator did a good job clarifying the difference between mediation and other ways of resolving disputes.
- \_\_\_\_\_ c) The mediator understood the issues being discussed.
- \_\_\_\_\_ d) The parties followed the direction of the mediator.
- \_\_\_\_\_ e) We did not have a problem finding convenient times to meet with the mediator.
- \_\_\_\_\_ f) The mediator was accessible to help with emerging issues and problems.
- \_\_\_\_\_ g) The mediator understood our concerns.
- \_\_\_\_\_ h) The mediator made sure that the concerns of all parties were heard.
- \_\_\_\_\_ i) The mediator made sure that the concerns of all parties were addressed.

- \_\_\_\_\_ j) The mediator helped us manage our time well.
- \_\_\_\_\_ k) The mediator made sure that we all had a *roadmap* of where we were going with the process.
- \_\_\_\_\_ l) The mediator succeeded in ensuring that all parties were fully engaged in the process.
- \_\_\_\_\_ m) When things got tense the mediator was always able to help us find ways to move ahead constructively.

**15. What is your level of satisfaction with the mediation process in this case? INDICATE YOUR AGREEMENT WITH THE STATEMENTS USING A SCALE WHERE “0” INDICATES, “TOTALLY DISAGREE” AND A “10” INDICATES, “TOTALLY AGREE”**

- \_\_\_\_\_ I was very satisfied with the services provided by the mediator.
- \_\_\_\_\_ I was very satisfied that the parties were able to work together.
- \_\_\_\_\_ I was very satisfied that we addressed all of the key interests and issues.
- \_\_\_\_\_ I was very satisfied with the options we developed for reaching an agreement.
- \_\_\_\_\_ I was very satisfied with the process we used to develop and finalize the agreement.
- \_\_\_\_\_ Overall, I was very satisfied with the process.

**16. What is the current status of your client’s case? PLEASE CHECK THE STATEMENT THAT BEST FITS YOUR SITUATION.**

- We have reached a full agreement.
- We have not reached a full agreement. **(GO TO 20)**

**17. What is the current status of the agreement? CHECK ONE ONLY**

- We have reached full agreement but have yet to sign.
- We have signed an agreement but have yet to start implementing it.
- We have signed an agreement and have started to implement it.
- The agreement is fully implemented as signed.
- The agreement is fully implemented with agreed changes.

**18. What is your assessment of the agreement that was reached? INDICATE YOUR LEVEL OF AGREEMENT WITH THE STATEMENTS USING A SCALE WHERE “0” INDICATES, “TOTALLY DISAGREE” AND A “10” INDICATES “TOTALLY AGREE”**

- \_\_\_\_\_ Our agreement addresses all of the difficult issues and differences raised in the mediation and nothing was left unresolved.
- \_\_\_\_\_ Our agreement includes responsibilities and roles for implementation.
- \_\_\_\_\_ I am confident that all the parties have a similar understanding of key terms in the agreement.
- \_\_\_\_\_ I feel that the agreement reached in this case through the mediation process is a better outcome for my client than could have been reached using other methods of conflict resolution.
- \_\_\_\_\_ I feel that the agreement reached in this case through the mediation process is a better outcome for the other parties than could have been reached using other methods of conflict resolution.

\_\_\_\_\_ Overall, I am pleased with the agreement that was reached in this case.

**19. What is your prediction of the durability of the agreement that was reached? INDICATE YOUR LEVEL OF AGREEMENT WITH THE STATEMENTS USING A SCALE WHERE “0” INDICATES, “TOTALLY DISAGREE” AND A “10” INDICATES “TOTALLY AGREE”**

\_\_\_\_\_ I expect the agreement to be implemented fully.

\_\_\_\_\_ I am confident that the parties have built a strong enough relationship with each other to ensure that the agreement will last.

\_\_\_\_\_ The agreement has sufficient flexibility to accommodate future changes in underlying conditions.

\_\_\_\_\_ I believe that this controversy is over, and I believe the parties will not have to deal with it again.

\_\_\_\_\_ I expect the parties to be dealing with this controversy again, but after going through this process, I do not believe it will be difficult for them to resolve future issues.

\_\_\_\_\_ I expect the parties to be dealing with the controversy again, but I think they can resolve the emerging problems with mediation.

**20. What is the current status of the mediation? CHECK ONE ONLY**

— We are going to court or are going to use a different form of conflict resolution than mediation to try to resolve the issues.

— We have reached partial agreement and have decided to litigate the remaining issues.

**21. Do you agree with the following statements pertaining to changes since this case began? INDICATE YOUR AGREEMENT WITH THE STATEMENTS BELOW USING A SCALE WHERE “0” INDICATES, “TOTALLY DISAGREE” AND A “10” INDICATES “TOTALLY AGREE”**

\_\_\_\_\_ Participants now feel more comfortable meeting with the other participants to discuss issues of concern.

\_\_\_\_\_ Participants can better communicate concerns to the other participants in a way that is more likely to lead to resolution of issues and/or implementation of solutions.

\_\_\_\_\_ Participants now could work more productively with other participants on other controversial issues, should they arise.

\_\_\_\_\_ Participants could now resolve significant problems with the other participants, should they arise, without the assistance of a third party neutral.

\_\_\_\_\_ Overall, the emotional friction in the case was reduced by entering mediation rather than continuing in litigation.

**22. Did mediation help reduce the number of contested technical facts in the case?**

☐ Yes

☐ No (GO TO 24)

23. Please describe how mediation helped.

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24. Did mediation help reduce the number of contested legal issues in the case?

☐ Yes

☐ No (**GO TO 26**)

25. Please describe how mediation helped.

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26. How many months were you involved in this case?

27. Of the months you were involved in the case, how many months were spent in the mediation process?

28. What is your best estimate of how many hours you spent related to the mediation process:

\_\_\_\_\_ on the case prior to entering mediation (i.e. litigation related)

\_\_\_\_\_ directly on preparation for mediation

\_\_\_\_\_ in the mediation sessions

\_\_\_\_\_ on follow up to the mediation since the mediation finished

29. Were you satisfied with the speed with which the dispute was resolved in mediation?

☐ Yes

☐ No

30. Do you feel that time was saved by resolving the case in mediation as compared with continuing with litigation?

☐ Yes

☐ No (**GO TO 32**)

31. In comparison with litigating this case, was mediation more or less costly for your client?

☐ More costly

☐ Less costly

☐ About the same

32. What do you estimate the cost difference to be between litigating this case and the mediation that was undertaken?

\_\_\_\_\_ Cost difference

33. How would you allocate the sources of these differences in costs between legal fees, costs of expert witnesses, and other costs?

\_\_\_\_\_ Percentage of cost difference attributable to attorney fees

\_\_\_\_\_ Percentage of cost difference attributable to costs of expert witnesses

\_\_\_\_\_ Percentage of cost difference attributable to other costs **(PLEASE SPECIFY)**

34. Do you think mediation was the most appropriate process for this case?

☐ Yes

☐ No

35. Please explain

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36. Based on your experience in this mediation process, would you recommend mediation to future clients involved in similar environmental conflicts?

☐ Yes

☐ No

37. Please explain

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38. Please feel free to comment on any other issues or give us any other information that you feel would be helpful to us in the evaluation of this project.

## PROGRAM EVALUATION SYSTEM

### ECR: NEUTRALS – CONCLUSION OF PROCESS

THE U.S. INSTITUTE FOR ENVIRONMENTAL CONFLICT RESOLUTION EVALUATES ALL OF ITS PROJECTS AND CASES. YOU HAVE SERVED AS A NEUTRAL (FACILITATOR OR MEDIATOR) IN ONE OF THESE CASES AND THE INSTITUTE REQUESTS YOUR ASSISTANCE WITH THE EVALUATION. PLEASE COMPLETE THIS FORM AND SEND IT TO THE ADDRESS LISTED AT THE END. DO NOT IDENTIFY INDIVIDUALS BY NAME IN THE INFORMATION YOU PROVIDE.

1. Your name \_\_\_\_\_
2. Name of project / case \_\_\_\_\_
3. Who is your primary U.S. Institute contact for this project / case?  
\_\_\_\_\_
4. How many sessions (including telephone calls and meetings) were held working in conjunction with this particular process?  
\_\_\_\_\_ Number of sessions
5. How much time did you spend on this project?  
\_\_\_\_\_ Number of hours billed  
\_\_\_\_\_ Estimated unbilled hours
6. What type of collaborative process was used in this project? **CHECK THE MOST APPROPRIATE BOX ONLY.**
  - ☐ Facilitation of collaborative consensus building activities to develop a plan, rule or set of recommendations
  - ☐ Mediation of a dispute
  - ☐ Neutral evaluation
  - ☐ Fact-finding
  - ☐ Mini trial
  - ☐ Other (SPECIFY) \_\_\_\_\_
7. What was the primary service that you provided? **CHECK THE MOST APPROPRIATE BOX ONLY.**
  - ☐ Process design
  - ☐ Facilitation
  - ☐ Mediation
  - ☐ Other (SPECIFY) \_\_\_\_\_
8. If this project arose now, would you recommend using the same process?
  - ☐ Yes (**GO TO 12**)
  - ☐ No, would not have used any collaborative process.

☐ No, would have used a different collaborative process.  
**(SPECIFY THEN GO TO 10)**

9. Given what you know now, why was a collaborative process not appropriate in this project?

10. What process would have worked best? **CHECK ONE ONLY**

- ☐ Discussion or negotiation (without a third party)
- ☐ Judicial settlement conference
- ☐ Wait for more opportune circumstances
- ☐ Do nothing
- ☐ Legislation
- ☐ Arbitration
- ☐ Rule making without a neutral
- ☐ Litigation
- ☐ Administrative Proceedings (i.e. appeals process)
- ☐ Other **(PLEASE SPECIFY)** \_\_\_\_\_

11. What are the main reasons that the process you selected in the previous question would have worked better? **(CHECK UP TO 2)**

- ☐ Less time needed
- ☐ Better outcomes
- ☐ Would have required fewer resources to get to the same point
- ☐ Would have achieved more
- ☐ Better relationships among the parties
- ☐ Better long term improvement in the collaborative skills of the parties
- ☐ Fewer resources needed in the future on this controversy
- ☐ Legal precedent needed
- ☐ Authoritative resolution needed
- ☐ Process would have more legitimacy or credibility with parties
- ☐ Other **(PLEASE SPECIFY)** \_\_\_\_\_

12. Were there organizations or interests who were not included, but whom you now think should have been included.

- ☐ Yes
- ☐ No **(GO TO 14)**

13. Please rate the impact of the absence of these parties, who in hindsight you think should have participated, on the success of the process. **ANSWER USING A SCALE WHERE A "0" INDICATES, "DID NOT MATTER" AND A "10" INDICATES "LASTING SOLUTION NOT POSSIBLE WITHOUT THEM".**

\_\_\_\_\_ Rating

14. Please rate the level of engagement of the parties in determining the process that was used. **ANSWER EACH USING A SCALE WHERE A "0" INDICATES, "TOTALLY DISAGREE" AND A "10" INDICATES "TOTALLY AGREE"**

Rating

- \_\_\_\_\_ a) All of the parties who were involved in the process were fully engaged early on in determining which process should be used.
- \_\_\_\_\_ b) Problems arose as a result of some of the parties not being involved in determining which process should be used.

If you want to comment further please do so without identifying individuals.

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15. To the best of your knowledge, what was the level of engagement of the parties in selecting the neutral? **ANSWER EACH USING A SCALE WHERE A "0" INDICATES, "TOTALLY DISAGREE" AND A "10" INDICATES "TOTALLY AGREE". IF YOU DO NOT KNOW INDICATE WITH "DK" IN THE SPACE PROVIDED FOR A RATING.**

Rating

- \_\_\_\_\_ a) All of the parties who were involved in the subsequent process participated fully in selecting the neutral.
- \_\_\_\_\_ b) Problems arose as a result of some of the parties not being involved in selecting the neutral.

16. Was it essential for you to receive technical input in the substantive areas of this project? **CHECK "NO" OR ALL THAT APPLY.**

- ☐ No
- ☐ Legal expertise
- ☐ Technical/scientific expertise
- ☐ Economic expertise
- ☐ Other issues (**PLEASE SPECIFY**) \_\_\_\_\_

17. Were any of the following types of training and assistance provided to the parties in the process? **CHECK "NO" OR ALL THAT APPLY.**

- ☐ Training and assistance provided by you.
- ☐ Coaching provided by you.
- ☐ Training and assistance provided by outside sources.
- ☐ No (**GO TO 22**)

18. What types of assistance were provided? **CHECK ALL THAT APPLY**

- ☐ Technical/Scientific
- ☐ Legal



- ☐ Economic/Financial  
☐ Process skills (e.g., negotiation, collaborative problem solving)  
☐ Other (**PLEASE DESCRIBE BELOW**)

19. Was the training and assistance equally provided to all parties?

- ☐ Yes (**GO TO 21**)  
☐ No

20. What parties received the training and assistance?

Name of parties (organizations or interests) receiving assistance	Training and assistance provided by you	Coaching providing by you	Training and assistance from an outside source

21. When was the training/assistance/coaching provided? **CHECK ALL THAT APPLY**

- ☐ In a session or sessions prior to the start of the process.  
☐ Imbedded in interaction with the parties during the process.  
☐ Other (**PLEASE EXPLAIN BELOW**)

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22. In hindsight, were you the right practitioner for this assignment?

- ☐ Yes  
☐ Possibly not (**COMMENT BELOW**)  
☐ No (**COMMENT BELOW**)

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23. How would you describe the level of collaboration among the parties the last few times they worked together? **ANSWER EACH USING A SCALE WHERE A "0" INDICATES, "TOTALLY DISAGREE" AND A "10" INDICATES "TOTALLY AGREE"**

Rating

- \_\_\_\_\_ a) Parties understood each other's fundamental interests.  
 \_\_\_\_\_ b) Parties constructively managed competing interests.  
 \_\_\_\_\_ c) Parties sought solutions that met the common needs of all parties.

- \_\_\_\_\_ d) The parties complied with the ground rules.
- \_\_\_\_\_ e) All the parties treated each other with respect.
- \_\_\_\_\_ f) The parties are now better able to communicate constructively together without the assistance of a third party.
- \_\_\_\_\_ g) As a result of their participation in this process parties are likely to work together more constructively in the future.

**24. How would you describe progress the parties made on the issues? ANSWER EACH USING A SCALE WHERE A “0” INDICATES, “TOTALLY DISAGREE” AND A “10” INDICATED “TOTALLY AGREE”**

Rating

- \_\_\_\_\_ a) The parties narrowed the number of issues in controversy.
- \_\_\_\_\_ b) The parties were able to identify and focus on the key issues in this controversy.
- \_\_\_\_\_ c) The parties eliminated technically unfeasible options.
- \_\_\_\_\_ d) Did not pursue options that were legally unfeasible.
- \_\_\_\_\_ e) Did not pursue options that were politically unfeasible.
- \_\_\_\_\_ f) Did not pursue options that were economically unfeasible.

**25. Please rate the level of engagement of the parties in the process that was used. ANSWER EACH USING A SCALE WHERE A “0” INDICATES, “TOTALLY DISAGREE” AND A “10” INDICATES “TOTALLY AGREE”**

Rating

- \_\_\_\_\_ a) All of the parties were fully engaged in the process.
- \_\_\_\_\_ b) It was a problem that some of the parties were not fully engaged in the process.

If you want to comment further please do so without identifying individuals.

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**26. Did the process conclude in an agreement? “AGREEMENT” INCLUDES COLLABORATIVE DECISIONS IN THE FORM OF PLANS, PROPOSALS, RECOMMENDATIONS OR SIGNED FORMAL AGREEMENTS RESOLVING A DISPUTE. CHECK THE MOST APPROPRIATE BOX ONLY.**

- ☐ No agreement on any issues. **(GO TO 35)**
- ☐ Yes, reached agreement.
- ☐ Agreement on some issues.
- ☐ Agreement on most issues.
- ☐ Agreement reached by participants but subject to approval by others.

27. If the parties reached an agreement, what was the level of engagement of the parties in reaching this agreement? **ANSWER EACH USING A SCALE WHERE A “0” INDICATES, “TOTALLY DISAGREE” AND A “10” INDICATES “TOTALLY AGREE”**

Rating

- \_\_\_\_\_ a) All of the parties were fully engaged.  
 \_\_\_\_\_ b) It was a problem that some of the parties were not fully engaged.

If you want to comment further please do so without identifying individuals.

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28. In your opinion how complete is the agreement? **ANSWER EACH QUESTION BASED ON REFERENCE TO THE ACTUAL AGREEMENT USING A SCALE WHERE A “0” INDICATES “TOTALLY ABSENT FROM THE AGREEMENT” AND A “10” INDICATES “FULLY ADDRESSED IN THE AGREEMENT”. USE “NA” IF QUESTIONS ARE NOT APPLICABLE TO THE PROJECT.**

Rating

- \_\_\_\_\_ a) The agreement addresses the resources needed for its implementation.  
 \_\_\_\_\_ b) The agreement provides workable means for adapting to important unanticipated circumstances or changes in conditions.  
 \_\_\_\_\_ c) No critical issues are left unaddressed.  
 \_\_\_\_\_ d) Agreement is implementable.  
 \_\_\_\_\_ e) Legal requirements have been addressed.  
 \_\_\_\_\_ f) Agreement is described in a way that ensures parties will know when it is fully implemented.  
 \_\_\_\_\_ g) Everything that could otherwise derail the agreement is addressed.  
 \_\_\_\_\_ h) Agreement is specific.  
 \_\_\_\_\_ i) Everything that could adversely impact the durability of the agreement is addressed.  
 \_\_\_\_\_ j) Agreement includes conditions under which the parties will reconvene.  
 \_\_\_\_\_ k) The parties have established benchmarks to determine if the agreement is accomplishing the agreed objectives.

If you want to comment further please do so.

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29. When was the agreement signed by the participants in the collaborative process?  
 Month and Year \_\_\_\_\_

30. When was the agreement signed by all the decision makers?  
 Month and Year \_\_\_\_\_

31. Is the agreement being implemented?

- ☐ Yes  
☐ No  
☐ Partly  
☐ Don't Know

32. Explain the basis of your response to the previous question.

33. In your opinion, is the agreement likely to be durable?

- ☐ Yes  
☐ No  
☐ Don't Know

34. Elaborate the basis of your response to the previous question.

35. Rate the difficulty of developing and implementing an effective collaborative process for this case. **ANSWER USING A SCALE WHERE "0" INDICATES "EASY" AND A "10" INDICATES "IMPOSSIBLE"**.

\_\_\_\_\_ Rating

36. Compared to similar cases, how difficult was it for the parties to reach agreement? **ANSWER USING A SCALE WHERE A "0" INDICATES "EASY" AND A "10" INDICATES "IMPOSSIBLE"**.

\_\_\_\_\_ Rating

37. Are you aware of any problems or barriers to participation in the process? For example, was there any bias on the part of the parties against the process used, insufficient capacity of some of the parties, problems due to geography, timing, etc.?

38. Rate the level of satisfaction of the parties with the process. **ANSWER USING A SCALE WHERE A "0" INDICATES "ABSOLUTELY DISSATISFIED" AND A "10" INDICATES "TOTALLY SATISFIED"**.

- \_\_\_\_\_ a) Level of satisfaction of the party who felt best about the process.  
 \_\_\_\_\_ b) Level of satisfaction of the party who felt worst about the process.  
 \_\_\_\_\_ c) Level of satisfaction with the process of most (mode) of the parties.

39. Rate the level of satisfaction of the parties with the outcome. **ANSWER USING A SCALE WHERE A "0" INDICATES "ABSOLUTELY DISSATISFIED" AND A "10" INDICATES "TOTALLY SATISFIED"**

- \_\_\_\_\_ a) Level of satisfaction of the party who felt best about the outcome.

- \_\_\_\_\_ b) Level of satisfaction of the party who felt worst about the outcome.  
\_\_\_\_\_ c) Level of satisfaction with the outcome of most (mode) of the parties.

40. The parties will be surveyed within the next two weeks. When would be a good time to survey the parties a second time to assess how well the parties are working together, their level of satisfaction, and the status of the project and implementation of any agreements reached?

- ☐ In 3 months  
☐ In 6 months  
☐ In 9 months  
☐ In 12 months  
☐ Other (SPECIFY) \_\_\_\_\_

41. Please rate the quality of the information you had available to you in the following categories. **INDICATE YOUR ASSESSMENT OF THE QUALITY OF EACH TYPE OF INFORMATION USING A SCALE WHERE “0” INDICATES, “THE QUALITY OF THE INFORMATION WAS TOTALLY INADEQUATE FOR OUR NEEDS” AND A “10” INDICATES “WE HAD THE BEST INFORMATION AVAILABLE”.** IF YOUR CASE DID NOT REQUIRE ONE OR MORE OF THE TYPES OF INFORMATION PLEASE INDICATE WITH “NA”.

- \_\_\_\_\_ Quality of scientific information (GO TO 43)  
\_\_\_\_\_ Quality of legal information (GO TO 43)  
\_\_\_\_\_ Quality of economic information (GO TO 43)  
\_\_\_\_\_ Quality of other information (GO TO 42)

42. What was the other information that you referred to in the previous question?

43. Do you have any comments that you would like to add? If so please use the space below and additional pages if you like. We are very interested in your thoughts and reflections on how these processes can be improved.

**44. THE EVALAUTION ALSO ASKS PARTIES FOR INFORMATION ABOUT THE CASE. PLEASE PROVIDE THE FOLLOWING INFORMATION ABOUT THE PARTIES TO HELP US CONTACT THEM FOR THE EVALUATION.**

	<b>NAME OF ORGANIZATION OR INTEREST</b>	<b>CONTACT</b>	<b>TELEPHONE</b>	<b>EMAIL</b>	<b>ADDRESS</b>
a)					
b)					
c)					
d)					
e)					
f)					
g)					
h)					
i)					
j)					

**45. PLEASE SEND COMPLETED FORM TO:**

Program Evaluation Manager  
U.S. Institute For Environmental Conflict Resolution  
110 S. Church Avenue Suite 3350  
Tucson, AZ 85701

## PROGRAM EVALUATION SYSTEM

### ECR: NEUTRALS – CONCLUSION OF PROCESS (CASE SUMMARY)

**THE U.S. INSTITUTE FOR ENVIRONMENTAL CONFLICT RESOLUTION EVALUATES ALL OF ITS PROJECTS AND CASES. YOU HAVE SERVED AS A NEUTRAL (FACILITATOR OR MEDIATOR) IN ONE OF THESE CASES AND THE INSTITUTE REQUESTS YOUR ASSISTANCE WITH THE EVALUATION. PLEASE COMPLETE THIS FORM AND SEND IT TO THE ADDRESS LISTED AT THE END. DO NOT IDENTIFY INDIVIDUALS BY NAME IN THE INFORMATION YOU PROVIDE.**

This summary is to be completed by providers at the end of the process.

1. Briefly describe the central issues in the controversy and what are the parties' interests in these issues?
2. What were the main benefits from this collaborative process to the parties engaged in the controversy?
3. What were the main benefits to citizens from this collaborative process?
4. Reflecting on the controversy are there any lessons that should be recorded? We are particularly interested in lessons about determining which controversies are appropriate for collaborative processes and about the design and implementation of these processes.

**PROGRAM EVALUATION SYSTEM**  
**ECR: PROJECT MANAGER – CONCLUSION OF PROCESS**

1. Name of project and PMD Number \_\_\_\_\_
2. In what political constituency is the controversy located?
3. What is the current status of the controversy? **CHECK THE MOST APPROPRIATE BOX ONLY. PROVIDE SUPPORTING COMMENTS FOR YOUR CHOICE BELOW**
  - ☐ No agreement – going to litigation/administrative appeal
  - ☐ No agreement – unlikely to go to litigation/be appealed
  - ☐ Agreement signed by negotiators
  - ☐ Agreement signed by final decision makers
  - ☐ Other
4. What process was used to address the controversy? **CHECK THE MOST APPROPRIATE BOX ONLY.**
  - ☐ Facilitation of a collaborative process
  - ☐ Mediation of a dispute
  - ☐ Other
5. List the parties that were included in the process.

a)	b)
c)	d)
e)	f)
g)	h)
6. List parties who were not included in the process, but you would now have tried to include?

a)	b)
c)	d)
7. If this case arose now, would you recommend using an ECR process again?
  - ☐ Yes (**GO TO 9**)
  - ☐ No
8. Explain why you would not recommend the process that was used.



9. Please rate the level of engagement of the parties in the four stages of the process listed below. **USE A “0” TO INDICATE, “PRESENT BUT NOT ENGAGED AT ALL” AND A “10” TO INDICATE “FULLY ENGAGED” IF THE PARTY WAS NOT PRESENT INDICATE WITH AN “X”. COMPLETE BOTH COLUMNS FOR EACH PARTY. USE A “DK” IF YOU DO NOT HAVE ENOUGH INFORMATION ABOUT THE PROCESS.**

Party (same as above)	Level of engagement in			
	a) Selecting design	b) Selecting neutral	c) Resolving the dispute	d) Crafting the agreement
a)				
b)				
c)				
d)				
e)				
f)				
g)				
h)				

10. If this case arose now, would you use the same design?

☐ Yes **(GO TO 12)**  
☐ No

11. Explain why you would not use this design and what design you would use. **REFER TO THE UTILITY OF THE ASSUMPTIONS YOU OR THE NEUTRAL MADE IN RECOMMENDING THE DESIGN**

12. If this case arose now, would you use the same neutral?

☐ Yes **(GO TO 14)**  
☐ No

13. Explain why you would not use this neutral.

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- 14. How would you describe progress the parties made on the issues under dispute? ANSWER EACH QUESTION USING A “0” TO INDICATE, “TOTALLY DISAGREE” AND A “10” TO INDICATE “TOTALLY AGREE”. USE “DK” (DON’T KNOW) WHERE YOU DO NOT HAVE SUFFICIENT INFORMATION TO RESPOND TO THE QUESTION.**

Rating

- \_\_\_\_\_ a) They are now able to fully collaborate with the parties that were involved in the dispute.
- \_\_\_\_\_ b) They are now able to fully collaborate with other parties to reduce the frequency of disputes.
- \_\_\_\_\_ c) They are now able to fully collaborate with other parties to reduce the intensity of disputes.
- \_\_\_\_\_ d) The parties narrowed the number of issues under dispute.
- \_\_\_\_\_ e) The parties narrowed this dispute to only key issues.
- \_\_\_\_\_ f) The parties identified issues that required another approach.
- \_\_\_\_\_ g) Other evidence that parties are closer on issues. **(SPECIFY)**
- \_\_\_\_\_ h) Other evidence that parties can now collaborate better. **(SPECIFY)**

- 15. How complete is the agreement?**

**ANSWER EACH QUESTION BASED ON REFERENCE TO THE ACTUAL AGREEMENT USING A “0” TO INDICATE “TOTALLY ABSENT” AND A “10” TO INDICATE, “FULLY ADDRESSED IN THE AGREEMENT”**

Rating

- \_\_\_\_\_ a) The agreement includes sufficient resources for implementation.
- \_\_\_\_\_ b) The agreement provides sufficient flexibility to adapt to changing circumstances.
- \_\_\_\_\_ c) The agreement provides workable processes for adapting to changing circumstances.
- \_\_\_\_\_ d) No critical issues are left unresolved.
- \_\_\_\_\_ e) Agreement has attainable provisions addressing the relevant controversy.
- \_\_\_\_\_ f) Agreement meets relevant legal requirements.
- \_\_\_\_\_ g) Agreement is specific.
- \_\_\_\_\_ h) Everything that could derail the agreement is addressed.
- \_\_\_\_\_ i) Other evidence that agreement is complete. **(SPECIFY)**

- 16. Has implementation of the agreement been started?**

- ☐ Yes
- ☐ No

17. What is the evidence for your response to the previous question?
18. Are you aware of any problems or barriers to implementation of the agreement?  
(SPECIFY)
19. The parties will be surveyed within the next two weeks. When would be a good time to survey the parties a second time to assess how well the parties are working together, their level of satisfaction, and the status of the project and implementation of any agreements reached?
- ☐ In 3 months
- ☐ In 6 months
- ☐ In 9 months
- ☐ In 12 months
- ☐ Other (SPECIFY) \_\_\_\_\_

## **APPENDIX C: ROSTER PROGRAM INSTRUMENTS**

- Roster Program – Members
- Roster Program – Members (Follow-Up)
- Roster Program – Roster Website Users
- Roster Program – User (Searching Roster Website)
- Roster Program – User (Requesting Roster Referrals)

## PROGRAM EVALUATION SYSTEM

### ROSTER PROGRAM: MEMBERS

THE U.S. INSTITUTE FOR ENVIRONMENTAL CONFLICT RESOLUTION EVALUATES ALL OF ITS PROJECTS AND PROGRAMS. AS PART OF THIS EVALUATION WE ASK PARTIES WHO HAVE BEEN INVOLVED IN AN INSTITUTE PROJECT OR PROGRAM TO PROVIDE US WITH INFORMATION ABOUT THEIR EXPERIENCE. THE EVALUATION WILL NOT REPORT INFORMATION IN A WAY THAT INDIVIDUALS CAN BE IDENTIFIED. WE ASK FOR YOUR COOPERATION WITH THIS EFFORT TO GAIN INFORMATION ESSENTIAL TO OUR ONGOING EFFORT TO IMPROVE OUR SERVICES.

IN QUESTIONS 1 TO 4 THE ROSTER WEB SITE REFERS TO THE ROSTER PART OF THE USIECR WEBSITE AND ALL THAT FOLLOWS ONCE YOU ARE THERE, INCLUDING THE ORIGINAL APPLICATION AND UPDATES.

1. Please rate the following aspects of the roster web site. USE A "0" TO INDICATE "TOTALLY DISAGREE" AND A "10" TO INDICATE "TOTALLY AGREE"

Rating

- |       |                                                                                                                                                                                            |
|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| _____ | a) The site was very easy to navigate.                                                                                                                                                     |
| _____ | b) I am able to move directly to the functions I need on the site.                                                                                                                         |
| _____ | c) The roster manager resolved any questions I had. <b>(USE NA IF YOU DID NOT CONTACT THE ROSTER MANAGER FOR ASSISTANCE)</b>                                                               |
| _____ | d) Navigating the roster site is at least as functional as the best of other sites I use for work and personal purposes. <b>(USE NA IF YOU DO NOT HAVE EXPERIENCE WITH OTHER WEBSITES)</b> |

2. Did you encounter any technical problems in using the site?

- ☐ Yes  
☐ No **(GO TO 4)**

3. Please describe the problem(s).

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4. Do you have any suggestions for improving the roster website?

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5. Please rate the utility of the information that you were asked to provide in terms of the following. **USE A “0” TO INDICATE “TOTALLY DISAGREE” AND A “10” TO INDICATE “TOTALLY AGREE”**

Rating

- \_\_\_\_\_ a) The information requested captured my key qualities as a practitioner for environmental cases.
- \_\_\_\_\_ b) There were questions I was not sure how to interpret.
- \_\_\_\_\_ c) I was unable to provide case examples exemplifying my qualities for the entire range of what I can offer in environmental cases.
- \_\_\_\_\_ d) The information provided reflected the qualities I use in marketing my services to potential clients in environmental projects.

6. Is there additional information you believe should be included in your profile on the roster?

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7. What were your reasons for applying to the roster? **USE A “0” TO INDICATE “TOTALLY DISAGREE” AND A “10” TO INDICATE “TOTALLY AGREE”**

Rating

- \_\_\_\_\_ a) I understood it was a required condition to get work through the U.S. Institute.
- \_\_\_\_\_ b) It would ensure that I was a possible candidate for Federal environmental cases, where appropriate.
- \_\_\_\_\_ c) I could use my membership on the roster for marketing to other clients.
- \_\_\_\_\_ d) It was a necessary to be able to continue doing the work I was doing.
- \_\_\_\_\_ e) I felt it was recognition of my advanced competency in the field.

8. For how many projects did or do you expect to be short-listed (called for additional information) during the first two years of your membership on the roster?

\_\_\_\_\_ Number expected in the first year you are or were a member

\_\_\_\_\_ Number expected in the second year you are or were a member

9. Have you been called for additional information on a case (short-listed) from your membership in the roster?

- ☐ Yes
- ☐ No **(GO TO 12)**
- ☐ Don't know **(GO TO 12)**

10. Were you selected as a practitioner for any of the cases for which you were called (short listed) for additional information? \_\_\_\_\_ Number

11. Do you think that the amount of work you are getting as a result of being identified through the roster is appropriate?

☐ Yes  
☐ No

12. Since you were accepted as a member of the roster have you engaged in any new or targeted marketing to increase the likelihood you would be selected for cases through the roster?

☐ Yes  
☐ No

13. In your opinion how important is it for neutral practitioners to be included on the roster? **USE A “0” TO INDICATE “NOT IMPORTANT AT ALL” AND A “10” TO INDICATE “ESSENTIAL”**

\_\_\_\_\_ Rating

14. Please provide your assessment of the benefits of the roster. **USE A “0” TO INDICATE “TOTALLY DISAGREE” AND A “10” TO INDICATE “TOTALLY AGREE”**

Rating

- \_\_\_\_\_ a) The roster helps me get work on environmental cases more efficiently than any other method I am currently using.  
 \_\_\_\_\_ b) The roster provides me more visibility to potential environmental clients than any other single source.  
 \_\_\_\_\_ c) I feel confident that being a member of the roster will have valuable short-term benefits (within the first 2 years).  
 \_\_\_\_\_ d) I feel confident that being a member of the roster will have valuable medium term benefits (2-4 years after enrolling).  
 \_\_\_\_\_ e) I feel confident that being a member of the roster will have valuable long-term benefits (5 or more years after enrolling).

15. Please provide your assessment of the roster. **USE A “0” TO INDICATE “TOTALLY DISAGREE” AND A “10” TO INDICATE “TOTALLY AGREE”**

Rating

- \_\_\_\_\_ a) The effort it took to provide the required information was appropriate, given my expectations of the benefits.  
 \_\_\_\_\_ b) The roster is an unbiased way for clients to identify potential practitioners.  
 \_\_\_\_\_ c) The roster saves me time in marketing to potential clients.  
 \_\_\_\_\_ d) All practitioners who want to work on environmental cases would strongly benefit from being members of the roster.

16. Please rate the following statements about communications provided about the roster and its use. USE A “0” TO INDICATE “TOTALLY DISAGREE” AND A “10” TO INDICATE “TOTALLY AGREE”

Rating

- \_\_\_\_ a) I know all that I need to know about the roster and its use.  
\_\_\_\_ b) I know all that I want to know about the roster and its use.  
\_\_\_\_ c) I have no questions about the use of the roster and its use that have not been addressed fully by communications.  
\_\_\_\_ d) Communications about the roster and its use have been very helpful.  
\_\_\_\_ e) Communications about the roster and its use have been very timely.

17. Are there any questions you have about the roster, or is there information you would like to receive about the roster?

- ☐ Yes (PLEASE COMMENT BELOW)  
☐ No

18. Do you have any suggestions for benefits and services that could be provided to roster members like yourself?

19. Do you have any suggestions for benefits and services that could be provided to other practitioners who are not as qualified as you to assist with environmental cases?

20. Do you have any other comments or suggestions that you would like to provide?



## PROGRAM EVALUATION SYSTEM

### ROSTER PROGRAM: MEMBERS – FOLLOW-UP

1. Have you accessed the roster website in the past 12 months?  
☐ Yes  
☐ No (**GO TO 6**)
2. Did you look at the information about your capabilities and experience when you visited the roster?  
☐ Yes  
☐ No (**GO TO 4**)
3. Did you change any of the information about your capabilities and experience?  
☐ Yes  
☐ No, did not know how to change.  
☐ No, existing information is still appropriate.  
☐ No, but it should be changed to better match my capabilities and experience.
4. Did you encounter any technical problems in using the site?  
☐ Yes  
☐ No (**GO TO 6**)
5. Please describe the problem(s)?  


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6. Do you have any suggestions for improving the roster website?  


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7. Please rate the utility of the information you were asked to provide in terms of the following.  
**USE A “0” TO INDICATE “TOTALLY DISAGREE” AND A “10” TO INDICATE “TOTALLY AGREE”**  
  

Rating	
_____	a) The information requested captured my key qualities as a practitioner for environmental cases.
_____	b) There were questions I was not sure how to interpret.
_____	c) I was unable to provide case examples that exemplified my qualities for the entire range of what I have to offer to environmental cases.
_____	d) The information reflected the qualities that I use in marketing my services to potential clients in environmental projects.
8. Is there additional information you believe should be included in your Roster profile?

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9. What were your reasons for applying to the roster? **USE A "0" TO INDICATE "TOTALLY DISAGREE" AND A "10" TO INDICATE "TOTALLY AGREE"**

Rating

- \_\_\_\_\_ a) I understood it was a required condition to get work through the U.S. Institute.
- \_\_\_\_\_ b) It would ensure that I was a possible candidate for Federal environmental cases where appropriate.
- \_\_\_\_\_ c) I could use my membership on the roster for marketing to other clients.
- \_\_\_\_\_ d) It was a necessary to be able to continue doing the work I was doing.
- \_\_\_\_\_ e) I felt it was a recognition of my advanced competency in the field.

10. For how many projects did you expect to be short listed (called for additional information) during the first two years of your membership on the roster?

\_\_\_\_\_ Number expected in the first year you are or were a member.

\_\_\_\_\_ Number expected in the second year you are or were a member.

11. Have you been called for additional information on a case (short listed) from your membership in the roster?

☐ Yes

☐ No **(GO TO 12)**

☐ Don't know **(GO TO 12)**

12. Were you selected as a practitioner for any of the cases for which you were called (short listed) for additional information?

\_\_\_\_\_ Number

13. Do you think that the amount of work you are getting as a result of being identified through the roster is appropriate?

☐ Yes

☐ No

14. Since you were accepted as a member of the roster have you engaged in any new or targeted marketing to increase the likelihood you would be selected for cases through the roster?

☐ Yes

☐ No

15. In your opinion how important is it for neutral practitioners to be included on the roster?  
 USE A “0” TO INDICATE “NOT IMPORTANT AT ALL” AND A “10” TO INDICATE  
 “ESSENTIAL”

\_\_\_\_\_ Rating

16. Please provide your assessment of the benefits of the roster. USE A “0” TO INDICATE  
 “TOTALLY DISAGREE” AND A “10” TO INDICATE “TOTALLY AGREE”

Rating

- \_\_\_\_\_ a) The roster helps me get work on environmental cases more efficiently  
 than any other method I am currently using.
- \_\_\_\_\_ b) The roster provides me more visibility to potential environmental  
 clients than any other single source.
- \_\_\_\_\_ c) I feel confident that being a member of the roster will have valuable  
 short-term benefits (within the first 2 years).
- \_\_\_\_\_ d) I feel confident that being a member of the roster will have valuable  
 medium term benefits (2-4 years after enrolling).
- \_\_\_\_\_ e) I feel confident that being a member of the roster will have valuable  
 long-term benefits (5 or more years after enrolling).

17. Please provide your assessment of the roster. USE A “0” TO INDICATE “TOTALLY  
 DISAGREE” AND A “10” TO INDICATE “TOTALLY AGREE”

Rating

- \_\_\_\_\_ a) The effort it took to provide the information that was required was  
 appropriate given my expectations of the benefits.
- \_\_\_\_\_ b) The roster is an unbiased way for clients to identify potential  
 practitioners.
- \_\_\_\_\_ c) The roster saves me time in marketing to potential clients.
- \_\_\_\_\_ d) All practitioners who want to work on environmental cases would  
 benefit strongly from being members of the roster.

18. Please rate the following statements about communications concerning the roster and its  
 use. USE A “0” TO INDICATE “TOTALLY DISAGREE” AND A “10” TO INDICATE “TOTALLY  
 AGREE”

Rating

- \_\_\_\_\_ a) I know all that I need to know about the roster and its use.
- \_\_\_\_\_ b) I know all that I want to know about the roster and its use.
- \_\_\_\_\_ c) I have no questions about the use of the roster and its use that have not  
 been fully addressed by communications.
- \_\_\_\_\_ d) Communications about the roster and its use have been very helpful.
- \_\_\_\_\_ e) Communications about the roster and its use have been very timely.

19. Are there any questions you have about the roster or is there information that you would like to receive about the roster?

☐ Yes **(PLEASE COMMENT BELOW)**

☐ No

20. Do you have any suggestions for benefits and services that could be provided to roster members like yourself?

21. Do you have any suggestions for benefits and services that could be provided to other practitioners who are not as qualified as you to assist with environmental cases?

22. Do you have any other comments or suggestions that you would like to provide?

## PROGRAM EVALUATION SYSTEM

### ROSTER PROGRAM: ROSTER WEBSITE USERS

THE U.S. INSTITUTE FOR ENVIRONMENTAL CONFLICT RESOLUTION EVALUATES ALL OF ITS PROJECTS AND PROGRAMS. AS PART OF THIS EVALUATION WE ASK PARTIES WHO HAVE BEEN INVOLVED IN AN INSTITUTE PROJECT OR PROGRAM TO PROVIDE US WITH INFORMATION ABOUT THEIR EXPERIENCE. THE EVALUATION WILL NOT REPORT INFORMATION IN A WAY THAT INDIVIDUALS CAN BE IDENTIFIED. WE ASK FOR YOUR COOPERATION WITH THIS EFFORT TO GAIN INFORMATION ESSENTIAL TO OUR ONGOING EFFORT TO IMPROVE OUR SERVICES

IN QUESTIONS 1 –3, ROSTER WEB SITE REFERS TO THE LINKS TO THE SEARCH SITE, AND ALL THAT FOLLOWS ONCE YOU ARE THERE.

1. Did you encounter any technical problems in using the roster website?

☐ Yes (PLEASE DESCRIBE THE PROBLEMS BELOW)  
☐ No

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This information is required for trouble-shooting:

Your operating system (e.g., Windows 98): \_\_\_\_\_

Your browser and version (e.g., Explorer 5.0021; Netscape 4.0): \_\_\_\_\_

2. Please rate the following aspects of the roster web site **USE A “0” TO INDICATE “TOTALLY DISAGREE” AND A “10” TO INDICATE “TOTALLY AGREE”**

Rating

- |       |                                                                                                                                                        |
|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| _____ | a) I was able to move directly to the functions I need on the site.                                                                                    |
| _____ | b) The roster site was at least as useful as the best of other sites I have used for work and personal purposes.                                       |
| _____ | c) Someone from the Institute resolved any questions I had about use of the site <b>(USE NA IF YOU DID NOT CONTACT THE INSTITUTE FOR ASSISTANCE)</b> . |
| _____ | d) Navigating the roster site was at least as functional as the best of other sites I have used for work and personal purposes.                        |

3. Do you have any suggestions for improving the roster website?

4. Please rate the following statements. **USE A “0” TO INDICATE “TOTALLY DISAGREE” AND A “10” TO INDICATE “TOTALLY AGREE”**

Rating

- \_\_\_\_\_ a) The search criteria, information in the Practitioner Profiles, and the needs of our case are integrated in a useful way.
- \_\_\_\_\_ b) The amount of information I was required to know about a case was more burdensome than required for other methods I have used to find a practitioner.
- \_\_\_\_\_ c) The search criteria reflected the initial qualities that I look for in a practitioner.
- \_\_\_\_\_ d) I had the necessary information to make good choices in using the search criteria.
- \_\_\_\_\_ e) Some of the required information for the search was a problem because it was difficult to get.
- \_\_\_\_\_ f) I guessed at some of the information that was required.
- \_\_\_\_\_ g) The search criteria were confusing.

5. Do you have any suggestions for improving the search criteria?

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6. In your opinion, how important is it for environmental conflict resolution practitioners to be included on the roster? **USE A “0” TO INDICATE “NOT IMPORTANT AT ALL” AND A “10” TO INDICATE “ESSENTIAL”**

\_\_\_\_\_ Rating

7. Please rate the following statements about the roster. **USE A “0” TO INDICATE “TOTALLY DISAGREE” AND A “10” TO INDICATE “TOTALLY AGREE”**

Rating

- \_\_\_\_\_ a) The roster is the fastest method I have used to identify potential practitioners.
- \_\_\_\_\_ b) The roster is the most systematic way I have used to identify potential practitioners.
- \_\_\_\_\_ c) Using the roster does not require any more effort than other methods that have worked well for me in the past.
- \_\_\_\_\_ d) I think the roster increases the likelihood of selecting a practitioner with appropriate experience.

## PROGRAM EVALUATION SYSTEM

### ROSTER PROGRAM: USER (SEARCHING ROSTER WEBSITE)

THE U.S. INSTITUTE FOR ENVIRONMENTAL CONFLICT RESOLUTION EVALUATES ALL OF ITS PROJECTS AND PROGRAMS. AS PART OF THIS EVALUATION WE ASK PARTIES WHO HAVE BEEN INVOLVED IN AN INSTITUTE PROJECT OR PROGRAM TO PROVIDE US WITH INFORMATION ABOUT THEIR EXPERIENCE. THE EVALUATION WILL NOT REPORT INFORMATION IN A WAY THAT INDIVIDUALS CAN BE IDENTIFIED. WE ASK FOR YOUR COOPERATION WITH THIS EFFORT TO GAIN INFORMATION ESSENTIAL TO OUR ONGOING EFFORT TO IMPROVE OUR SERVICES.

1. Please indicate the reason for which you conducted the roster website search  
(CHECK ALL THAT APPLY):

- ☐ Searching for appropriate practitioners to assist in resolving an environmental, public lands or natural resources related dispute.
- ☐ Searching for appropriate practitioners to assist in developing an environmental, public lands or natural resources plan, policy, agreement, or to facilitate a related process.
- ☐ Searching for practitioners to include in a group or listing of practitioners for an Alternative Dispute Resolution program.
- ☐ Searching for practitioners for a Request for Proposals or Request for Qualifications I am preparing.
- ☐ Searching for appropriate practitioners for another purpose (**PLEASE SPECIFY**).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
☐ None of the above. Reason for the search: \_\_\_\_\_ (GO TO QUESTION 18)

2. What were the major substantive issues involved (e.g., Air Quality, Endangered Species)?

\_\_\_\_\_

3. Where was the situation or dispute located?

- ☐ State(s) **PLEASE SPECIFY** \_\_\_\_\_
- ☐ Nationwide

4. Please rate the following statements about the roster. USE A "0" TO INDICATE "TOTALLY DISAGREE" AND A "10" TO INDICATE "TOTALLY AGREE"

Rating

- \_\_\_\_\_ a) The roster expedited the process of finding an appropriate practitioner.
- \_\_\_\_\_ b) The information available about practitioners was sufficient for us to decide if we would include them in our short list. (**THE SHORT LIST OF PRACTITIONERS FROM WHOM YOU WILL GET ADDITIONAL INFORMATION TO MAKE A SELECTION**)
- \_\_\_\_\_ c) The practitioners on the list provided from the search included some that are appropriate AND geographically close enough to the case.

5. Were there other criteria you would have liked to be able to include in your search?

☐ Yes (PLEASE SPECIFY) \_\_\_\_\_  
☐ No

6. Did you receive any direct assistance from the person who manages the roster?

☐ Yes

7. Please rate the utility of the assistance you received. USE A "0" TO INDICATE, "DID NOT RESOLVE MY QUESTION OR NEED AT ALL" AND A "10" TO INDICATE, "FULLY RESOLVED MY QUESTION OR NEED". USE "NA" FOR STATEMENTS THAT DO NOT APPLY

Rating

- \_\_\_\_ a) Assistance in choosing the criteria to use in the search.  
 \_\_\_\_ b) Information or advice on the process of selecting a practitioner.  
 \_\_\_\_ c) Assistance with reducing the list of practitioners to a workable size.  
 \_\_\_\_ d) Assistance with use of the website.  
 \_\_\_\_ e) Assistance or advice in how to obtain the information needed for a search.  
 \_\_\_\_ f) Other (SPECIFY) \_\_\_\_\_

8. Were other key parties in the case involved in determining the qualities to look for in a practitioner?

☐ Yes some of the parties  
☐ Yes all of the main parties to the situation/dispute  
☐ No

9. Please respond to the following statements about practitioners you identified from your roster search **BY ANSWERING YES OR NO FOR EACH STATEMENT**

- ☐ Yes ☐ No a) The number of appropriate practitioners on the initial list I received from my roster search was sufficient.  
☐ Yes ☐ No b) I was not previously aware of some of the practitioners included on the roster search results list(s).  
☐ Yes ☐ No c) I was not previously aware that some of the practitioners included on the search results list(s) are qualified for my case.  
☐ Yes ☐ No d) Some of the practitioners on the initial list I received from my roster search were not suitable for our case.

10. Were there practitioners that you expected to be on the initial list you received from your roster search that were not there?

☐ Yes, (PLEASE PROVIDE THEIR NAME (S) AND IF POSSIBLE PROVIDE CONTACT INFORMATION SO THEY CAN BE SENT INFORMATION ABOUT THE ROSTER)

Name and contact information \_\_\_\_\_



☐ No

11. Did you or others consult additional sources to identify practitioners for your short list?  
**(THE SHORT LIST OF PRACTITIONERS FROM WHOM YOU WILL GET ADDITIONAL INFORMATION AND POSSIBLY MAKE A SELECTION)**

☐ Yes

☐ No **(GO TO 13)**

12. What other sources did you or others consult **(CHECK UP TO 3)**

☐ Referral from within your agency.

☐ Word of mouth referral through a participant in the process or other source.

☐ You or a process participant has worked with the practitioner before.

☐ State dispute resolution office.

☐ Another roster or list of practitioners **(PLEASE SPECIFY)** \_\_\_\_\_

☐ Practitioner website search, Yellow Pages or other advertisement (radio, TV, newspaper)  
**(PLEASE SPECIFY)** \_\_\_\_\_

☐ Some other publication **(PLEASE SPECIFY)** \_\_\_\_\_

☐ Other sources **(PLEASE SPECIFY)** \_\_\_\_\_

13. Was a practitioner selected for this case?

☐ Yes

☐ No **(PLEASE COMMENT BELOW REGARDING THE REASONS WHY A PRACTITIONER WAS NOT SELECTED, THEN GO TO 18)**

14. Was this practitioner on the list you received from your roster search?

☐ Yes **(GO TO 16)**

☐ No

15. How was the selected practitioner identified? **(CHECK AS MANY AS APPLY)**

☐ Referral from within your agency.

☐ Word of mouth referral through a participant in the process or other source.

☐ You or a process participant has worked with the practitioner before

☐ State dispute resolution office.

☐ Another roster or list of practitioners **(PLEASE SPECIFY)** \_\_\_\_\_.

☐ Practitioner website search, Yellow Pages or other advertisement (radio, TV, newspaper)  
**(PLEASE SPECIFY).** \_\_\_\_\_.

☐ Some other publication **(PLEASE SPECIFY)** \_\_\_\_\_.

☐ Other sources **(PLEASE SPECIFY)** \_\_\_\_\_

1. \_\_\_\_\_
2. \_\_\_\_\_

16. Who was selected? **INCLUDE ALL PRACTITIONERS THAT YOU SELECTED, IF MORE THAN ONE.**

Name(s): \_\_\_\_\_

17. Why was this person(s) selected? **(CHECK AS MANY AS APPLY)**

- ☐ Experience
- ☐ Acceptable to all parties
- ☐ Familiarity with local culture
- ☐ Costs (fees)
- ☐ Costs (travel)
- ☐ Other **(PLEASE SPECIFY)** \_\_\_\_\_

18. Please rate the following statements about communications provided about the roster and its use. **USE A "0" TO INDICATE "TOTALLY DISAGREE" AND A "10" TO INDICATE "TOTALLY AGREE"**

Rating

- \_\_\_\_\_ a) I know all that I need to know about the roster and its use.
- \_\_\_\_\_ b) I know all that I want to know about the roster and its use.
- \_\_\_\_\_ c) I have no questions about the use of the roster and its use that have not been fully addressed by communications.
- \_\_\_\_\_ d) Communications about the roster and its use have been very helpful.
- \_\_\_\_\_ e) Communications about the roster and its use have been very timely.

19. Are there any questions you have about the roster, or is there information you would like to receive about the roster?

- ☐ Yes **(PLEASE COMMENT BELOW)**
- ☐ No

20. What is your impression of the level of awareness of the roster among your colleagues who engage resolution professionals? **USE A "0" TO INDICATE, "NO ONE SEEM TO KNOW OF IT" AND A "10" TO INDICATE, "ALL OTHERS IN THE GROUP SEEM TO KNOW OF IT". USE "DK" IF YOU ARE NOT SUFFICIENTLY AWARE OF HOW OTHERS SELECT PRACTITIONERS.**

\_\_\_\_\_ Rating

21. Did you use any of the links or references on the roster website to look for an appropriate practitioner for your case?

- ☐ Yes
- ☐ No

22. Are there any other sources that you think should be included in the references provided on the roster site?

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23. Please rate the following statements about the roster. **USE A “0” TO INDICATE “TOTALLY DISAGREE” AND A “10” TO INDICATE, “TOTALLY AGREE” USE “DK” IF YOU DO NOT HAVE ENOUGH EXPERIENCE WITH THE ROSTER TO HAVE AN OPINION**

Rating

- |       |                                                                                                                                        |
|-------|----------------------------------------------------------------------------------------------------------------------------------------|
| _____ | a) I recommend that others who are looking for environmental conflict resolution practitioners use the roster as their primary source. |
| _____ | b) The roster always identifies some neutral practitioners who have experience needed for the particular case.                         |
| _____ | c) I use the roster as my primary source to locate ECR practitioners.                                                                  |
| _____ | d) Using the roster gives me great confidence that my final short list includes the most appropriate practitioners.                    |

## PROGRAM EVALUATION SYSTEM

### ROSTER PROGRAM: USER (REQUESTING ROSTER REFERRALS)

THE U.S. INSTITUTE FOR ENVIRONMENTAL CONFLICT RESOLUTION EVALUATES ALL OF ITS PROJECTS AND PROGRAMS. AS PART OF THIS EVALUATION WE ASK PARTIES WHO HAVE BEEN INVOLVED IN AN INSTITUTE PROJECT OR PROGRAM TO PROVIDE US WITH INFORMATION ABOUT THEIR EXPERIENCE. THE EVALUATION WILL NOT REPORT INFORMATION IN A WAY THAT INDIVIDUALS CAN BE IDENTIFIED. WE ASK FOR YOUR COOPERATION WITH THIS EFFORT TO GAIN INFORMATION ESSENTIAL TO OUR ONGOING EFFORT TO IMPROVE OUR SERVICES.

1. Please indicate the reason for which you requested the roster website search

**CHECK ALL THAT APPLY:**

- ☐ To identify appropriate practitioners to assist in resolving an environmental, public lands, or natural resources related dispute.
- ☐ To identify appropriate practitioners to assist in developing an environmental, public lands, or natural resources plan, policy, agreement or to facilitate a related process.
- ☐ To identify practitioners to include in a group or listing of practitioners for an Alternative Dispute Resolution program.
- ☐ To identify practitioners for a Request for proposals or Request for Qualifications I am preparing.
- ☐ To identify appropriate practitioners for another purpose. **(PLEASE SPECIFY)**

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- ☐ None of the above. Reason for search request:

(GO TO QUESTION 6)

2. Please rate the following statements. USE A “0” TO INDICATE “TOTALLY DISAGREE” AND A “10” TO INDICATE “TOTALLY AGREE”

Rating

- \_\_\_\_\_ a) The amount of information required about my case was more burdensome than required for other methods I have used to find a practitioner.
- \_\_\_\_\_ b) The request information reflected the initial qualities I think should be included in searching for a practitioner.
- \_\_\_\_\_ c) Some of the required information was a problem, because it was difficult to get.
- \_\_\_\_\_ d) Sometimes I was not clear what was being requested.

3. Was there additional information about your case that you think should have been obtained by the U.S. Institute staff to use in making the referral?

4. In your opinion how important is it for environmental conflict resolution practitioners to be included on the roster? **USE A "0" TO INDICATE "NOT IMPORTANT AT ALL" AND A "10" TO INDICATE "ESSENTIAL"**

\_\_\_\_\_ Rating

5. Please rate the following statements about the roster. **USE A "0" TO INDICATE "TOTALLY DISAGREE" AND A "10" TO INDICATE "TOTALLY AGREE"**

\_\_\_\_\_ Rating

- \_\_\_\_\_ a) The roster expedited the process of finding an appropriate practitioner.  
 \_\_\_\_\_ b) The information available about practitioners was sufficient for us to decide if we would include them in our short list. **(THE SHORT LIST OF PRACTITIONERS FROM WHOM YOU WILL GET ADDITIONAL INFORMATION TO MAKE A SELECTION OR SEND A RFP TO)**  
 \_\_\_\_\_ c) The practitioners on the referral list included some individual who are appropriate **AND** geographically close enough to the case.

6. Please rate the utility of the assistance you received. **USE A "0" TO INDICATE, "DID NOT RESOLVE MY QUESTION OR NEED AT ALL" AND A "10" TO INDICATE, "FULLY RESOLVED MY QUESTION OR NEED". USE "NA" FOR STATEMENTS THAT DO NOT APPLY**

\_\_\_\_\_ Rating

- \_\_\_\_\_ a) Assistance in choosing criteria to use in identifying potential practitioners.  
 \_\_\_\_\_ b) Information or advice on the process of selecting a practitioner.  
 \_\_\_\_\_ c) Assistance by conducting the search for me.  
 \_\_\_\_\_ d) Assistance with reducing the list of practitioners to a workable number.  
 \_\_\_\_\_ e) Assistance or advice in how to obtain information needed for a search.  
 \_\_\_\_\_ f) Other **(SPECIFY)** \_\_\_\_\_

7. Were other key parties in the case involved in determining the qualities to look for in a practitioner?

- ☐ Yes, some of the parties  
☐ Yes, all of the main parties to the situation/dispute  
☐ No

8. Please respond to the following statements about practitioners you identified from the referral **BY ANSWERING YES OR NO FOR EACH STATEMENT.**

- ☐ Yes ☐ No a) The number of appropriate practitioners identified was sufficient.  
☐ Yes ☐ No b) I was not previously aware of some of the practitioners identified.  
☐ Yes ☐ No c) I was not previously aware that some of the practitioners identified are qualified for our case.  
☐ Yes ☐ No d) Some of the practitioners identified were not suitable for our case.

- ☐ Yes ☐ No e) ECR practitioners I expected to be identified were not included.  
**PLEASE PROVIDE NAME (S) AND, IF POSSIBLE, CONTACT INFORMATION SO ROSTER INFORMATION CAN BE SENT TO THEM**

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9. Did you or others consult additional sources to identify practitioners for your short list?  
**(THE SHORT LIST OF PRACTITIONERS FROM WHOM YOU WILL GET ADDITIONAL INFORMATION AND POSSIBLY MAKE A SELECTION)**

- ☐ Yes  
☐ No **(GO TO 12)**

10. What other sources did you or others consult?  
**CHECK UP TO 3**

- ☐ Referral from within your agency.  
☐ Word of mouth referral through a participant in the process or other source.  
☐ You or a process participant has worked with the practitioner before.  
☐ State dispute resolution office.  
☐ Another roster or list of practitioners **(PLEASE SPECIFY)** \_\_\_\_\_  
☐ Practitioner website search, Yellow Pages or other advertisement (radio, TV, newspaper) **(PLEASE SPECIFY)** \_\_\_\_\_  
☐ Some other publication **(PLEASE SPECIFY)** \_\_\_\_\_  
☐ Other sources **(PLEASE SPECIFY)**  
 1. \_\_\_\_\_  
 2. \_\_\_\_\_

11. Was a practitioner selected for this case?

- ☐ Yes  
☐ No **(PLEASE COMMENT BELOW, THEN GO TO 16)**

12. Was this practitioner in the group referred?

- ☐ Yes **(GO TO 14)**  
☐ No

13. How was the selected practitioner identified? **CHECK AS MANY AS APPLY**

- ☐ Referral from within your agency.  
☐ Word of mouth referral through a participant in the process or other source.  
☐ You or a process participant has worked with the practitioner before.  
☐ State dispute resolution office.

- ☐ Another roster or list of practitioners **(PLEASE SPECIFY)** \_\_\_\_\_
- ☐ Practitioner website search, Yellow Pages or other advertisement (radio, TV, newspaper) **(PLEASE SPECIFY)** \_\_\_\_\_
- ☐ Some other publication **(PLEASE SPECIFY)** \_\_\_\_\_
- ☐ Other sources **(PLEASE SPECIFY)**
1. \_\_\_\_\_
2. \_\_\_\_\_

**14. Who was selected? INCLUDE ALL PRACTITIONERS THAT YOU SELECTED IF MORE THAN ONE.**

Name(s) \_\_\_\_\_

**15. Why was this person(s) selected?**

**CHECK AS MANY AS APPLY**

- ☐ Experience
- ☐ Acceptable to all parties
- ☐ Familiarity with local culture
- ☐ Costs (fees)
- ☐ Costs (travel)
- ☐ Other **(PLEASE SPECIFY)** \_\_\_\_\_

**16. Please identify your affiliation or representative capacity in which you requested the roster search:**

- ☐ Federal Government
- ☐ State Government
- ☐ Tribal
- ☐ Local Government
- ☐ Industry/Corporate/Business
- ☐ Non-governmental Organization: Environmental
- ☐ Non-governmental Organization: Other
- ☐ Public/Citizen
- ☐ Academic
- ☐ Other **(PLEASE SPECIFY)** \_\_\_\_\_

**17. What is your impression of the level of awareness of the roster among your colleagues working with environmental disputes? USE A "0" TO INDICATE, "NO ONE SEEM TO KNOW OF IT" AND A "10" TO INDICATE, "ALL OTHERS SEEM TO KNOW OF IT". USE "DK" IF YOU ARE NOT SUFFICIENTLY AWARE OF HOW OTHERS SELECT PRACTITIONERS.**

\_\_\_\_ Rating

- 18. Please rate the following statements about the roster. USE A “0” TO INDICATE “TOTALLY DISAGREE” AND A “10” TO INDICATE, “TOTALLY AGREE” USE “DK” IF YOU DO NOT HAVE ENOUGH EXPERIENCE WITH THE ROSTER TO HAVE AN OPINION**

Rating

- \_\_\_\_\_ a) I recommend that others who are looking for ECR practitioners use the roster as their primary source.
- \_\_\_\_\_ b) The roster identifies some neutral practitioners who have experience that is needed for the particular case.
- \_\_\_\_\_ c) Using the roster does not require any more effort than other methods that have worked for me in the past.
- \_\_\_\_\_ d) I think the roster increases the likelihood of selecting a practitioner with appropriate experience.
- \_\_\_\_\_ e) I use the roster as my primary source to locate ECR practitioners.
- \_\_\_\_\_ f) Using the roster gives me great confidence that the final short list includes the most appropriate practitioners.



## **APPENDIX D: TRAINING INSTRUMENTS**

- Instructor – Pre Test
- Instructor(s) Mid Way Through Training
- Instructor – Post Test
- Participant – Pre Test
- Participant – Post Test
- Participant – Follow-Up

## PROGRAM EVALUATION SYSTEM

### TRAINING COURSES: INSTRUCTOR – PRE TEST

*Insert Date, Location and Title of Training*

THE U.S. INSTITUTE FOR ENVIRONMENTAL CONFLICT RESOLUTION EVALUATES ALL OF ITS PROJECTS AND CASES. AS PART OF THIS EVALUATION WE ASK PARTIES WHO HAVE BEEN INVOLVED IN AN INSTITUTE PROJECT OR CASE TO PROVIDE US WITH INFORMATION ABOUT THEIR EXPERIENCE. WE ASK FOR YOUR COOPERATION WITH THIS EFFORT TO GAIN INFORMATION ESSENTIAL TO OUR ONGOING EFFORT TO IMPROVE OUR SERVICES

TO BE SUBMITTED TO THE USIECR PRIOR TO THE START OF TRAINING

EACH INSTRUCTOR SHOULD COMPLETE A SEPARATE FORM

INSTRUCTOR (S) SHOULD TAKE A COPY OF THE COMPLETED PRE TEST FORM TO THE TRAINING

NAME OF INSTRUCTOR: \_\_\_\_\_

1. What are the learning outcomes for this training? Please list and describe each briefly below.
  
2. Please rank the importance of each of the following topics in the training you are about to provide. USE A SCALE STARTING WITH “0” WHERE “0” MEANS “WILL NOT BE INCLUDED”, A “1” MEANS “THE MOST IMPORTANT TOPIC TO BE COVERED”, A “2” MEANS “SECOND MOST IMPORTANT TOPIC”, AND SO ON.

PLEASE RANK EVERY OPTION

- Communication skills
- Understanding the reasons for conflict
- Options that can be used to resolve conflict
- Strengths and weaknesses of options to resolve conflict
- Appropriate use of different conflict resolution approaches
- Negotiation skills
- How to conduct a conflict assessment
- How to prepare for a conflict resolution process
- How to sponsor a conflict resolution process
- How to participate in a conflict resolution process
- How to facilitate a discussion
- How to mediate a dispute
- How to design a dispute resolution process
- How to conduct a public participation processes
- How to find, select and contract for the services of a facilitator or mediator
- Other (PLEASE SPECIFY) \_\_\_\_\_
- Other (PLEASE SPECIFY) \_\_\_\_\_
- Other (PLEASE SPECIFY) \_\_\_\_\_

3. What is your expectation of the current knowledge of the average participant in the following areas? **USE A SCALE FROM “0” TO “10” WHERE “0” MEANS “THEY CURRENTLY HAVE NO KNOWLEDGE OF THIS TOPIC” AND A “10” MEANS, “THEY COULD PROVIDE TRAINING ON THIS TOPIC THEMSELVES”**

**PLEASE RATE EVERY OPTION**

- Communication skills
- Understanding the reasons for conflict
- Options that can be used to resolve conflict
- Strengths and weaknesses of options to resolve conflict
- Appropriate use of different conflict resolution approaches
- Negotiation skills
- How to conduct a conflict assessment
- How to prepare for a conflict resolution process
- How to sponsor a conflict resolution process
- How to participate in a conflict resolution process
- How to facilitate a discussion
- How to mediate a dispute
- How to design a dispute resolution process
- How to conduct a public participation processes
- How to find, select and contract for the services of a facilitator or mediator
- Other **(PLEASE SPECIFY)** \_\_\_\_\_
- Other **(PLEASE SPECIFY)** \_\_\_\_\_
- Other **(PLEASE SPECIFY)** \_\_\_\_\_

4. Please rate the types of gains you expect from this training. **USE A SCALE FROM “0” TO “10” WHERE “0” MEANS, “DO NOT EXPECT THIS AT ALL” AND A “10” MEANS, “THIS IS WHAT I EXPECT”**

**PLEASE RATE EVERY OPTION**

- The gain will be in knowledge of participants.
- The gain will be in the application of the knowledge by the participants.
- The gain will be in skills of participants.
- Other **(PLEASE SPECIFY)** \_\_\_\_\_

5. If you could visit participants at their work 6 months after the training, what changes would you expect to see in how they or their organization works?

6. What is your expectation of how participants will use the training materials that you are providing? **USE A SCALE FROM “0” TO “10” WHERE “0” MEANS “NOT EXPECTED” AND A “10” MEANS “VERY STRONG EXPECTATION”**

**PLEASE RATE EVERY OPTION**

- They will be able to use training materials as an essential reference for work in this area.
- The training materials will be essential for training, but will have limited benefit after training is completed.
- They should be able to follow the training step-by-step using the training materials.

## PROGRAM EVALUATION SYSTEM

### TRAINING COURSES: INSTRUCTOR – POST TEST

*Insert Date, Location and Title of Training*

THE U.S. INSTITUTE FOR ENVIRONMENTAL CONFLICT RESOLUTION EVALUATES ALL OF ITS PROJECTS AND CASES. AS PART OF THIS EVALUATION WE ASK PARTIES WHO HAVE BEEN INVOLVED IN AN INSTITUTE PROJECT OR CASE TO PROVIDE US WITH INFORMATION ABOUT THEIR EXPERIENCE. WE ASK FOR YOUR COOPERATION WITH THIS EFFORT TO GAIN INFORMATION ESSENTIAL TO OUR ONGOING EFFORT TO IMPROVE OUR SERVICES

TO BE COMPLETED FOLLOWING THE TRAINING  
EACH INSTRUCTOR SHOULD COMPLETE A SEPARATE FORM  
INSTRUCTOR (S) SHOULD HAVE A COPY OF THE COMPLETED PRE TEST FORM WITH THEM  
WHEN FILLING OUT THIS FORM

NAME OF INSTRUCTOR: \_\_\_\_\_

1. List the learning outcomes you identified in the pre test for this training? Rate the extent to which you think each was achieved. USE A SCALE FROM “0” TO “10” WHERE “0” MEANS, “NOT ACHIEVED AT ALL” AND A “10” MEANS, “FULLY ACHIEVED”
  
2. Refer to the changes you identified in the pre test what you would expect to see if you could visit participants at their work in 6 months time. Please comment below on any modifications that you would make, now that the training is completed, to what you wrote on the pre test.
  
3. Now that you have worked with the participants, are there any changes that you would like to make to your initial assessment of their level of competence prior to the training?

\_\_\_\_\_ Yes (LIST TOPIC (S) YOU WOULD CHANGE YOUR ASSESSMENT OF AND YOUR NEW RATING BELOW. USE A SCALE FROM “0” TO “10” WHERE “0” MEANS “THEY HAD NO KNOWLEDGE OF THIS TOPIC” AND A “10” MEANS, “THEY COULD HAVE PROVIDED TRAINING ON THIS TOPIC THEMSELVES”) PLEASE PROVIDE EXPLANATORY COMMENTS FOR THE CHANGE

\_\_\_\_\_ No

4. Please rate the types of gains you think were achieved with this training. **USE A SCALE FROM “0” TO “10” WHERE “0” MEANS, “DO NOT EXPECT THIS AT ALL” AND A “10” MEANS, “THIS IS WHAT I EXPECT”**

**PLEASE RATE EVERY OPTION.**

- The gain are in the knowledge of participants
- The gain are in the awareness of participants
- The gain are in the skills of participants

5. What changes would you make to improve the training?

## PROGRAM EVALUATION SYSTEM

### TRAINING COURSES: PARTICIPANT – PRE TEST

*Insert Date, Location and Title of Training*

THE U.S. INSTITUTE FOR ENVIRONMENTAL CONFLICT RESOLUTION EVALUATES ALL OF ITS PROJECTS AND CASES. AS PART OF THIS EVALUATION WE ASK PARTIES WHO HAVE BEEN INVOLVED IN AN INSTITUTE PROJECT OR CASE TO PROVIDE US WITH INFORMATION ABOUT THEIR EXPERIENCE. WE ASK FOR YOUR COOPERATION WITH THIS EFFORT TO GAIN INFORMATION ESSENTIAL TO OUR ONGOING EFFORT TO IMPROVE OUR SERVICES.

TO BE DISTRIBUTED AT THE BEGINNING OF THE FIRST TRAINING SESSION AND COMPLETED  
BEFORE THE TRAINING BEGINS

NAME OF PARTICIPANT: \_\_\_\_\_

1. Please rank the importance of the following as reasons for you taking this training. USE A SCALE FROM “0” TO “10” WHERE “0” MEANS “NOT A REASON FOR ME AT ALL” AND A “10” MEANS, “THIS IS THE TOP REASON FOR TAKING THIS TRAINING”

PLEASE RATE EVERY OPTION

- The skills I will acquire here are essential for my work.
- This training is a required qualification for my job.
- This training will provide me with skills and knowledge useful for my work.
- I am interested in this area.
- I intend to focus my work in this area.
- My organization needs to have people trained in this area.
- My organization is currently involved in controversy that this training will help us to address.
- My organization wants to improve our capacity to address environmental conflicts.
- Other (PLEASE SPECIFY) \_\_\_\_\_

2. Please rank how important you think the following topics will be in the curriculum for the training you are about to start. USE A SCALE STARTING WITH “0” WHERE “0” MEANS “WILL NOT BE INCLUDED”, A “1” MEANS “THE MOST IMPORTANT TOPIC TO BE COVERED”, A “2” MEANS “SECOND MOST IMPORTANT TOPIC”, AND SO ON. PLEASE RANK EVERY ITEM. USE “DK” FOR ITEMS THAT YOU ARE NOT FAMILIAR WITH

- Communication skills
- Understanding the reasons for conflict
- Options that can be used to resolve conflict
- Strengths and weaknesses of options to resolve conflict
- Appropriate use of different conflict resolution approaches
- Negotiation skills
- How to conduct a conflict assessment
- How to prepare for a conflict resolution process
- How to sponsor a conflict resolution process

- How to participate in a conflict resolution process
- How to facilitate a discussion
- How to mediate a dispute
- How to design a dispute resolution process
- How to conduct a public participation process
- How to find, select and contract for the services of a facilitator or mediator
- Other **(PLEASE SPECIFY)** \_\_\_\_\_
- Other **(PLEASE SPECIFY)** \_\_\_\_\_
- Other **(PLEASE SPECIFY)** \_\_\_\_\_

3. Please rate the level of your current knowledge in the areas you have just ranked. **USE A SCALE FROM “0” TO “10” WHERE “0” MEANS, “I CURRENTLY HAVE NO KNOWLEDGE OF THIS TOPIC” AND A “10” MEANS, “I COULD PROVIDE TRAINING ON THIS TOPIC MYSELF”**

**PLEASE RATE EVERY OPTION**

- Communication skills
  - Understanding the reasons for conflict
  - Options that can be used to resolve conflict
  - Strengths and weaknesses of options to resolve conflict
  - Appropriate use of different conflict resolution approaches
  - Negotiation skills
  - How to conduct a conflict assessment
  - How to prepare for a conflict resolution process
  - How to sponsor a conflict resolution process
  - How to participate in a conflict resolution process
  - How to facilitate a discussion
  - How to mediate a dispute
  - How to design a dispute resolution process
  - How to conduct a public participation processes
  - How to find, select and contract for the services of a facilitator or mediator
  - Other, as specified in question 2 **(PLEASE SPECIFY)**
- 
- Other, as specified in question 2 **(PLEASE SPECIFY)**
- 
- Other, as specified in question 2 **(PLEASE SPECIFY)**
- 

4. Please rate the types of gains you expect from this training. **USE A SCALE FROM “0” TO “10” WHERE “0” MEANS, “DO NOT EXPECT THIS AT ALL” AND A “10” MEANS, “THIS IS WHAT I EXPECT”**

**PLEASE RATE EVERY OPTION**



- The gain will be in my knowledge
- The gain will be in my ability to apply my knowledge
- I expect to gain skills
- I expect to change the way my organization conducts its business

5. To what extent have you had previous experience with the following processes? Please rate your previous experience with each of the processes listed below. **USE A SCALE FROM “0” TO “10” WHERE “0” INDICATES “NO EXPERIENCE AT ALL” AND A “10” INDICATES, “I COULD LEAD THE PROCESS”**

Rating

- \_\_\_\_\_ a) Negotiation
- \_\_\_\_\_ b) Mediation
- \_\_\_\_\_ c) Facilitation
- \_\_\_\_\_ d) Judicial settlement conference
- \_\_\_\_\_ e) Public participation
- \_\_\_\_\_ f) Litigation
- \_\_\_\_\_ g) Rule making
- \_\_\_\_\_ h) Arbitration
- \_\_\_\_\_ i) Administrative Proceedings (i.e. agency appeals process, contested case hearing, agency order)

6. What is your expectation of the training materials that will be provided? **USE A SCALE FROM “0” TO “10” WHERE “0” MEANS “NOT EXPECTED” AND A “10” MEANS “VERY STRONG EXPECTATION”**

**PLEASE RATE EVERY OPTION**

- I will be able to use the training materials as an essential reference for work in this area.
- The training materials will be essential for this training, but will have limited benefit after the training is completed.
- The training materials should be well organized and easy to read.
- The training materials should provide me with what I need to undertake further study.
- The training materials should have a comprehensive bibliography.
- I should be able to follow the training, step-by-step, using the training materials.
- Other (**PLEASE SPECIFY**) \_\_\_\_\_

7. Please use the space below to elaborate on your expectations for the training and the gains you anticipate from taking the training.

## PROGRAM EVALUATION SYSTEM

### TRAINING COURSES: PARTICIPANT – POST TEST

*Insert Date, Location and Title of Training*

THE U.S. INSTITUTE FOR ENVIRONMENTAL CONFLICT RESOLUTION EVALUATES ALL OF ITS PROJECTS AND CASES. AS PART OF THIS EVALUATION WE ASK PARTIES WHO HAVE BEEN INVOLVED IN AN INSTITUTE PROJECT OR CASE TO PROVIDE US WITH INFORMATION ABOUT THEIR EXPERIENCE. WE ASK FOR YOUR COOPERATION WITH THIS EFFORT TO GAIN INFORMATION ESSENTIAL TO OUR ONGOING EFFORT TO IMPROVE OUR SERVICES.

TO BE DISTRIBUTED AT THE END OF THE TRAINING AND COMPLETED BEFORE DEPARTURE

NAME OF PARTICIPANT: \_\_\_\_\_

1. Please rate your current level of knowledge in the following areas. USE A SCALE FROM “0” TO “10” WHERE “0” MEANS, “I CURRENTLY HAVE NO KNOWLEDGE OF THIS TOPIC” AND A “10” MEANS “I COULD PROVIDE TRAINING ON THIS TOPIC MYSELF”

PLEASE RATE EVERY OPTION

- Communication skills
- Understanding the reasons for conflict
- Options that can be used to resolve conflict
- Strengths and weaknesses of options to resolve conflict
- Appropriate use of different conflict resolution approaches
- Negotiation skills
- How to conduct a conflict assessment
- How to prepare for a conflict resolution process
- How to sponsor a conflict resolution process
- How to participate in a conflict resolution process
- How to facilitate a discussion
- How to mediate a dispute
- How to design a dispute resolution process
- How to conduct a public participation processes
- How to find, select and contract for the services of a facilitator or mediator
- Other (PLEASE SPECIFY)

---

— Other (PLEASE SPECIFY)

---

— Other (PLEASE SPECIFY)

---

2. Please rate the types of gains you received from this training. **USE A SCALE FROM “0” TO “10” WHERE “0” MEANS, “DO NOT EXPECT THIS AT ALL” AND A “10” MEANS, “THIS IS WHAT I EXPECT”**

**PLEASE RATE EVERY OPTION**

- I made significant gains in my knowledge of conflict resolution.
- I am now fully aware of the challenges in resolving environmental controversies.
- I am now fully aware of the options for resolving environmental controversies.
- I will be able to apply this knowledge when I return to work.
- I made significant gains in my skills.

3. What is your assessment of the training materials you received? **USE A SCALE FROM “0” TO “10” WHERE “0” MEANS “NOT EXPECTED” AND A “10” MEANS “VERY STRONG EXPECTATION”**

**PLEASE RATE EVERY OPTION**

- The training materials will be an essential reference for my future work in this area.
- The training materials worked well for the training.
- The training materials were easily understood.
- The quality of the training materials matched my needs.
- The training materials did not add much of value to the training.

4. Please rate the quality of the facilities and services for this training. **USE A SCALE FROM “0” TO “10” WHERE A “5” MEANS “JUST RIGHT” USE “NA” FOR THOSE THAT DO NOT APPLY**  
**PLEASE RATE EVERY OPTION**

- Main training room
- Break out rooms
- Meals
- Refreshments at breaks
- Registration
- Security
- Location of the training site
- Parking
- Accessibility for people with disabilities
- Rest room facilities
- Accessibility of rest rooms for people with disabilities
- Room temperature
- Lodging arrangements

5. Please rate the instructor(s) on the following. **USE A SCALE FROM “0” TO “10” WHERE A “0” MEANS TOTALLY UNACCEPTABLE AND A “10” MEANS “BEST I HAVE EVER EXPERIENCED” USE “NA” FOR THOSE THAT DO NOT APPLY PLEASE RATE EVERY OPTION**
- Knowledge of the topics
  - General communication skills
  - Way she or he handled questions
  - Level of participation achieved from participants
  - Everyone felt comfortable participating
  - Everyone had an opportunity to express their views
  - The level of instruction was appropriate for the audience
  - Good quality overheads and visuals
  - Good use of overheads and visuals
  - Used good examples from the ‘real world
  - Used right amount of “hands-on” examples
  - Provided enough opportunities to practice what we were learning
  - Discussions stayed on track
  - The training material was covered within the scheduled timeframe
6. Please use the space below to state the most useful thing the instructor said or did during the training.
7. Please use the space below to state the thing you think the instructor most needs to improve.
8. Please use the space below to list and briefly describe two ways you expect to utilize what you have learned. This is important information for our assessment of this training. We appreciate your effort to think about how you are likely to use the training.
9. Please use the space below to elaborate on ways the training could be improved.

## PROGRAM EVALUATION SYSTEM

### TRAINING COURSES: PARTICIPANT – FOLLOW-UP

*Insert Date, Location and Title of Training*

THE U.S. INSTITUTE FOR ENVIRONMENTAL CONFLICT RESOLUTION EVALUATES ALL OF ITS PROJECTS AND CASES. AS PART OF THIS EVALUATION WE ASK PARTIES WHO HAVE BEEN INVOLVED IN AN INSTITUTE PROJECT OR CASE TO PROVIDE US WITH INFORMATION ABOUT THEIR EXPERIENCE. WE ASK FOR YOUR COOPERATION WITH THIS EFFORT TO GAIN INFORMATION ESSENTIAL TO OUR ONGOING EFFORT TO IMPROVE OUR SERVICES

**TO BE DISTRIBUTED 6 MONTHS FOLLOWING THE TRAINING**

NAME OF PARTICIPANT: \_\_\_\_\_

1. Please rate your current level of knowledge in the following areas. USE A SCALE FROM “0” TO “10” WHERE “0” MEANS “I CURRENTLY HAVE NO KNOWLEDGE OF THIS TOPIC” AND A “10” MEANS, “I COULD PROVIDE TRAINING ON THIS TOPIC MYSELF”

PLEASE RATE EVERY OPTION

- Communication skills
- Understanding the reasons for conflict
- Options that can be used to resolve conflict
- Strengths and weaknesses of options to resolve conflict
- Appropriate use of different conflict resolution approaches
- Negotiation skills
- How to conduct a conflict assessment
- How to prepare for a conflict resolution process
- How to sponsor a conflict resolution process
- How to participate in a conflict resolution process
- How to facilitate a discussion
- How to mediate a dispute
- How to design a dispute resolution process
- How to conduct a public participation processes
- How to find, select and contract for the services of a facilitator or mediator
- Other if not specified above (PLEASE SPECIFY) \_\_\_\_\_
- Other if not specified above (PLEASE SPECIFY) \_\_\_\_\_
- Other if not specified above (PLEASE SPECIFY) \_\_\_\_\_

2. Please rate the types of gains you received from this training. USE A SCALE FROM “0” TO “10” WHERE “0” MEANS, “DO NOT EXPECT THIS AT ALL” AND A “10” MEANS, “THIS IS WHAT I EXPECT”

PLEASE RATE EVERY OPTION

- I made significant gains in my knowledge of conflict resolution. I am now fully aware of the challenges in resolving environmental controversies.
- I am now fully aware of the options for resolving environmental controversies.

- I will be able to apply this knowledge when I return to work.
  - I made significant gains in my skills.
3. Have you used the knowledge and skills you gained in the training since returning to work?
    - Yes
    - No **(GO TO 6)**
  4. Please use the space below to list and briefly describe the two most important ways you have utilized the knowledge and skills you gained in the training
  5. Please describe the second most important use you have made of the knowledge and skills you gained
  6. Since completing the training, have you been encouraged to utilize the skills and knowledge you acquitted at work?
    - Yes
    - No
  7. Since completing the training, have you experienced impediments to using the skills and knowledge at work?
    - Yes
    - No **(GO TO 9)**
  8. Please describe the impediments you experienced.
  9. Based on your experiences since completing the training, are there ways that the training could have better served your needs?

## **APPENDIX E: MEETING FACILITATION INSTRUMENTS**

- Attendees – Conclusion of Meeting

## PROGRAM EVALUATION SYSTEM

### MEETING FACILITATION: ATTENDEES – CONCLUSION OF MEETING

*Each Meeting Form Has Title, Sponsor Or Meeting Topic, And Date As Header*

**THE U.S. INSTITUTE FOR ENVIRONMENTAL CONFLICT RESOLUTION EVALUATES ALL OF ITS PROJECTS AND CASES. AS PART OF THIS EVALUATION WE ASK THE VARIOUS PARTIES WHO HAVE BEEN INVOLVED IN AN INSTITUTE PROJECT OR CASE TO PROVIDE US WITH INFORMATION ABOUT THEIR EXPERIENCE. BECAUSE YOU PARTICIPATED IN A MEETING RUN BY THE INSTITUTE, WE ASK THAT YOU COMPLETE THIS QUESTIONNAIRE.**

**THE EVALUATION WILL NOT REPORT INFORMATION IN A WAY THAT INDIVIDUALS CAN BE IDENTIFIED.**

**WE ASK FOR YOUR COOPERATION WITH THIS EFFORT TO GAIN INFORMATION ESSENTIAL TO OUR ONGOING EFFORT TO IMPROVE OUR SERVICES.**

Name of Meeting: \_\_\_\_\_

Location: \_\_\_\_\_ Date: \_\_\_\_\_

Group or interest that you represent: \_\_\_\_\_

1. Please rate the following statements about the meeting. **USE A “0” TO INDICATE “TOTALLY DISAGREE” AND A “10” TO INDICATE “TOTALLY AGREE”**

Rating

- \_\_\_\_\_ a) The meeting was facilitated in an impartial manner.
- \_\_\_\_\_ b) All those attending had the opportunity to contribute to the discussion.
- \_\_\_\_\_ c) The objectives for holding the meeting were clearly stated.
- \_\_\_\_\_ d) The ground rules for the meeting were clearly stated.
- \_\_\_\_\_ e) The ground rules for the meeting were followed consistently.
- \_\_\_\_\_ f) Adherence to ground rules was essential for the success of this meeting.
- \_\_\_\_\_ g) The meeting was an efficient way to achieve the objectives.
- \_\_\_\_\_ h) The meeting was an efficient use of my time.
- \_\_\_\_\_ i) Proposals and agreements were documented accurately as they were raised.
- \_\_\_\_\_ j) Decision-making rules were clear and fair to all parties.
- \_\_\_\_\_ k) I know what the next steps following the meeting will be.
- \_\_\_\_\_ l) I know who is responsible for the next steps following the meeting.

2. If you were organizing a meeting such as this in the future, how likely would you be to use the meeting facilitator(s). **USE A “0” TO INDICATE “WOULD NOT EVER CONSIDER USING THIS FACILITATOR” AND A “10” TO INDICATE “THIS FACILITATOR WOULD BE MY FIRST CHOICE”**

\_\_\_\_\_



3. What were your two top objectives in attending this meeting?
4. To what extent did you achieve your two top objectives? **USE A “0” TO INDICATE, “MADE NO PROGRESS AT ALL” AND A “10” TO INDICATE, “FULLY ACHIEVED MY TWO TOP OBJECTIVES”**  
\_\_\_\_\_
5. What were the two top objectives of the organizers of this meeting?
6. To what extent do you think the organizers two top objectives were achieved? **USE A “0” TO INDICATE “MADE NO PROGRESS AT ALL” AND A “10” TO INDICATE, “FULLY ACHIEVED THEIR TWO TOP OBJECTIVES”**  
\_\_\_\_\_
7. Were there views or interests that you felt were not sufficiently represented at the meeting?  
\_\_\_\_\_ Yes (**GO TO 8**)  
\_\_\_\_\_ No (**GO TO 9**)
8. How important do you think it is that there were views or interests that were not sufficiently represented at the meeting? **USE A “0” TO INDICATE, “DID NOT MAKE A DIFFERENCE” AND A “10” TO INDICATE “MEETING COULD NOT BE CONSIDERED A SUCCESS WITHOUT THEM”**  
\_\_\_\_\_
9. What could have been done to improve the meeting?